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# PENNSYLVANIA BULLETIN

Volume 42  
Saturday, October 6, 2012 • Harrisburg, PA  
Pages 6235—6520

See Part II page 6365  
for the State Board of Education's  
Academic Standards and Assessment  
Proposed Rulemaking

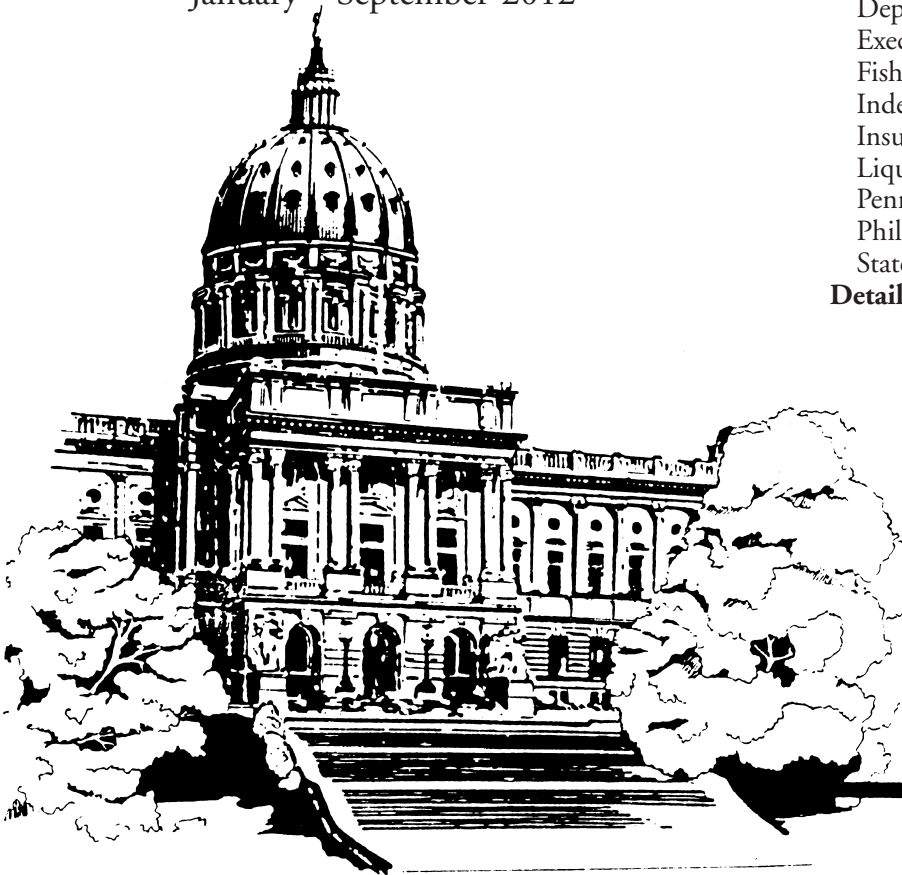
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January—September 2012

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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 455, October 2012**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CHS. 1000 AND 2220 ]

#### Proposed Amendment of Rule 1033 Governing Amendments and Rule 2232 Governing Defective Joinder; Proposed Recommendation No. 256

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 1033 governing amendments and 2232 governing defective joinder be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania. All communications in reference to the proposed recommendation should be sent no later than November 6, 2012 to:

Karla M. Shultz  
Counsel  
Civil Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg PA 17106-2635  
FAX 717-231-9526  
civilrules@pacourts.us

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1000. ACTIONS

#### Subchapter A. CIVIL ACTION

#### PLEADINGS

#### Rule 1033. Amendment.

(a) A party, either by filed consent of the adverse party or by leave of court, may at any time change the form of action, **change a party against whom a claim is asserted, add a person as a party**, correct the name of a party, or **otherwise** amend [ **his** ] the pleading. The amended pleading may aver transactions or occurrences which have happened before or after the filing of the original pleading, even though they give rise to a new cause of action or defense. An amendment may be made to conform the pleading to the evidence offered or admitted.

(b) **An amendment changing the party against whom a claim is asserted relates back to the date of the commencement of the action if, within ninety days after the period provided by law for commencing the action, the party to be brought in by the amendment has received notice of the institution of the action such that it will not be prejudiced in maintaining a defense on the merits and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party.**

*Official Note:* Notice shall include informal knowledge of the action and is not limited to the service of original process.

#### CHAPTER 2220. JOINDER OF PARTIES

#### Rule 2232. Defective joinder; change of parties.

\* \* \* \* \*

(b) [ **Joinder of unnecessary parties is not ground for dismissal of an action. After notice to all other parties, a party may be dropped by order of the court whenever the party has been misjoined or no claim for relief is asserted against the party in the action by any other party.** ] **Rescinded.**

\* \* \* \* \*

#### Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of the Rule 1033 and the rescission of subdivision (b) of Rule 2232.

I.

Currently, the Rules of Civil Procedure and case law do not permit an amendment changing the party against whom a claim is asserted to relate back without a showing of concealment when the statute of limitations has expired. Rule 1033 is being amended to expressly permit amendments changing the party against whom a claim is asserted to provide for such amendments to relate back to the date of the commencement of the action if within ninety days after the period provided by law for commencing the action, the party to be brought in by the amendment has received notice of the commencement of the action such that it will not be prejudiced in obtaining a defense on the merits, and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party.

Consider the following example: An accident occurs on March 30, 2010. A complaint is filed on March 26, 2012 and service is made on April 16, 2012. The complaint mistakenly identifies the driver who allegedly caused the accident as Robert Young of 2012 Fifth Avenue. However, the actual driver is Richard Young, who is Robert Young's eighteen-year-old son and resides with him at 2012 Fifth Avenue. As a result of the service of the complaint, Richard Young is aware of the action, that he should have been named as the defendant, and that the complaint mistakenly identifies his father as the driver.

Under the current Pennsylvania Rules of Civil Procedure and case law, the statute of limitations would bar a court from permitting the plaintiff to file an amended complaint changing the party against whom the plaintiff asserted his personal injury claim. The proposed amendments to Rule 1033 would permit the plaintiff to amend the complaint to change the party to Richard Young because within ninety days after the expiration of the statute of limitations, he received notice of the commencement of the action such that he will not be prejudiced in maintaining a defense on the merits and he knew that but for a mistake on the part of the defendant, the action would have been brought against Richard.

The Federal Rules of Civil Procedure and a majority of states have rules of procedure governing the relation back of amendments, which are similar to those in this proposed recommendation. The Committee unanimously

favors the promulgation of this proposed amendment because the interests of justice are served by a rule of civil procedure permitting a party to correct a complaint that mistakenly names the wrong party when there is no prejudice to the party brought in by the amendment.

## II.

Rule 1033 is being amended to specifically state that an amendment may add a person as a party. It is the practice of litigants and trial courts to refer to Rule 1033 when a party seeks to amend a pleading to add another party. The purpose of this amendment is to eliminate any uncertainty as to whether a motion to amend a pleading to add an additional party is governed by Rule 1033. There is no conflict between this proposed amendment and Rule 2232(c) because the latter addresses the question of when a court may order the joinder of any additional person.

## III.

The Committee is proposing the rescission of subdivision (b) of Rule 2232 addressing the joinder of an additional party. The provision is unnecessary because if a party has been misjoined or no claim for relief is asserted, a dismissal should be sought through the rules governing preliminary objections, judgment on the pleadings, and summary judgment. If a plaintiff wants to drop a defendant, it should use the rules governing the discontinuance of an action.

*By the Civil Procedural  
Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 12-1933. Filed for public inspection October 5, 2012, 9:00 a.m.]

## PART I. GENERAL

### [ 231 PA. CODE CH. 1900 ]

#### **Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 120 Republication**

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 1, 2013 directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717 231-9531  
E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

*By the Domestic Relations  
Procedural Rules Committee*

CAROL S. MILLS McCARTHY,  
*Chair*

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

##### **Rule 1901.8. Modification or Discontinuance.**

(a) In cases in which a temporary protection order has not yet been granted or has been denied, a plaintiff in a protection from abuse action who wishes to discontinue the action may file a praecipe to discontinue, pursuant to Pa.R.C.P. 229, prior to the final order hearing. The party may also request the discontinuance by oral motion at a hearing.

(b) In cases in which a temporary protection order has been granted, a plaintiff in a protection from abuse action who wishes to vacate the temporary order and discontinue the action shall either file a petition with the court prior to the final order hearing or make the request by oral motion at the final order hearing.

(c) If either party seeks a modification after a final judgment has been entered in a protection from abuse action, the party shall petition the court to modify the final order. The court shall enter an order granting or denying the petition following an appearance by the petitioner before the court.

#### **Explanatory Comment—2013**

Jurisdictions across the commonwealth have adopted varying procedures and processes for the withdrawal, discontinuance and modification of protection from abuse actions. This rule provides a uniform process that comports with the requirements of 23 Pa.C.S. §§ 6107(b)(2) (related to hearings), 6117 (related to procedure and other remedies) and *Commonwealth v. Charnik*, 921 A.2d 1214 (Pa. Super. 2007). These requirements, when read together, require a different procedure for withdrawal, discontinuance and modification at various stages in a protection from abuse proceeding.

After a final protection order is entered, the court no longer retains jurisdiction to vacate that order. *Charnik*, 921 A.2d at 1217. The court does, however, have jurisdiction to modify a protection from abuse order at any time after the filing of a petition for modification, service of the petition and a hearing on the petition. 23 Pa.C.S. § 6117. Thus, a party may request that the court modify the order to expire at an earlier date if the party does not want the order to remain in effect.

[Pa.B. Doc. No. 12-1934. Filed for public inspection October 5, 2012, 9:00 a.m.]



**PART I. GENERAL**  
**[ 231 PA. CODE CH. 1915 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 115 Republication**

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 1, 2013 directed to:

Patricia A. Miles, Esquire  
 Counsel, Domestic Relations Procedural Rules Committee  
 Pennsylvania Judicial Center  
 601 Commonwealth Avenue, Suite 6200  
 P. O. Box 62635  
 Harrisburg, PA 17106-2635  
 Fax: 717 231-9531  
 E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

*By the Domestic Relations  
 Procedural Rules Committee*

CAROL S. MILLS MCCARTHY,  
*Chair*

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1915. ACTIONS FOR CUSTODY,  
 PARTIAL CUSTODY AND VISITATION OF MINOR  
 CHILDREN**

**Rule 1915.4-4. Pre-Trial Procedures.**

A pre-trial conference in an initial custody or modification proceeding may be scheduled at the request of a party or sua sponte by the court. The pre-trial conference shall be scheduled and the procedure shall be as set forth in this rule. If a party wishes to request a pre-trial conference, the praecipe set forth in subdivision (g) below shall be filed. The scheduling of a pre-trial conference shall not stay any previously scheduled proceeding unless otherwise ordered by the court.

(a) The praecipe may be filed at any time after a custody conciliation or conference with a conference officer unless a pre-trial conference has already been scheduled or held. The pre-trial conference may be scheduled at any time, but in no event less than 60 days prior to trial.

(b) Not later than five days prior to the pre-trial conference, each party shall serve a pre-trial statement upon the court and the other party or counsel of record.

The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:

(1) the name and address of each expert whom the party intends to call at trial as a witness;

(2) the name and address of each witness the party intends to call at trial, the relationship of that witness to the party and a statement by the party or the party's counsel that he or she has communicated with each listed witness; and

(3) a proposed order setting forth the custody schedule requested by the party.

(c) If a party fails to file a pre-trial statement or otherwise comply with the requirements of subdivision (b), the court may make an appropriate order under Rule 4019(c)(2) and (4) governing sanctions.

(d) Unless otherwise ordered by the court, the parties may amend their pre-trial statements at any time, but not later than seven days before trial.

(e) At the pre-trial conference, the following shall be considered:

- (1) issues for resolution by the court;
- (2) unresolved discovery matters;
- (3) any agreements of the parties;
- (4) issues relating to expert witnesses;
- (5) settlement and/or mediation of the case;

(6) such other matters as may aid in the disposition of the case.

(f) The court shall enter an order following the conference detailing the agreements made by the parties as to any of the matters considered, limiting the issues for trial to those not disposed of by agreement and setting forth the schedule for further action in the case. Such order shall control the subsequent course of the action unless modified at trial to prevent manifest injustice.

(g) The praecipe for pre-trial conference shall be substantially in the following form:

(Caption)

**PRAECIPE FOR PRE-TRIAL CONFERENCE**

To the Prothonotary:

Please schedule a pre-trial conference in the above-captioned custody matter pursuant to Pa.R.C.P. 1915.4.4.

The parties' initial in-person contact with the court (conference with a conference officer or judge, conciliation or mediation) occurred on \_\_\_\_\_.

\_\_\_\_\_  
 Plaintiff/Defendant/Attorney for Plaintiff/Defendant

**Explanatory Comment—2013**

The Domestic Relations Procedural Rules Committee has become aware that there is a wide disparity in pre-trial procedures in custody cases among the various jurisdictions. As the committee strives to recommend best practices, this new rule establishes uniform pre-trial procedures in custody cases when requested by either party. The goal is to reduce custody litigation by encouraging early preparation and court intervention for purposes of expedited resolutions. The rule is based upon the pre-trial procedures in divorce cases as set forth in Rule 1920.33. Nothing in this rule shall affect the First

Judicial District's practice of conducting a pre-trial conference upon the filing of a motion for a protracted or semi-protracted trial.

[Pa.B. Doc. No. 12-1935. Filed for public inspection October 5, 2012, 9:00 a.m.]

## PART I. GENERAL

### [ 231 PA. CODE CH. 1930 ]

#### **Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 122**

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 1, 2013 directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717 231-9531  
E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

*By the Domestic Relations  
Procedural Rules Committee*

CAROL S. MILLS MCCARTHY,  
*Chair*

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### **CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY**

##### **Rule 1930.8. Self-Represented Party.**

(a) A party representing himself or herself shall enter a written appearance which shall state an address where pleadings and other legal papers may be served, and a telephone number where the party may be contacted. The entry of appearance may include a facsimile number as provided by Pa.R.C.P. 1012.

(b) A self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

(c) When a party has an attorney of record, the party may assert his or her self-representation by:

(1) Filing a written entry of appearance and directing the prothonotary/court clerk to remove the name of his or her counsel of record with contemporaneous notice to said counsel, or

(2) Filing an entry of appearance with the withdrawal of appearance signed by his or her attorney of record.

(d) The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

(e) The assertion of self-representation shall not delay any stage of the proceeding.

#### **Explanatory Comment—2013**

Withdrawal of appearance by counsel of record is governed by Pa.R.C.P. 1012.

[Pa.B. Doc. No. 12-1936. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

### [ 234 PA. CODE CHS. 2—6 AND 9 ]

#### **Order Amending Rules 230, 528 and 584 and Revising the Comments to Rules 316, 456, 502, 515, 569, 576, 602, 634, 649 and 905 of the Rules of Criminal Procedure; No. 417 Criminal Procedural Rules Doc.**

#### **Order**

##### *Per Curiam*

*And Now*, this 21st day of September, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that

(1) Pennsylvania Rules of Criminal Procedure 230, 528, and 584 are amended; and

(2) the revisions of the Comments to Pennsylvania Rules of Criminal Procedure 316, 456, 502, 515, 569, 576, 602, 634, 649, and 905 are approved, all in the following form. This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective November 1, 2012.

#### **Annex A**

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 2. INVESTIGATIONS

##### PART B(1). Investigating Grand Juries

#### **Rule 230. Disclosure of Testimony Before Investigating Grand Jury.**

\* \* \* \* \*

(B) Defendant in a Criminal Case:

(1) When a defendant [is] in a criminal case has testified before an investigating grand jury concerning the



subject matter of the charges against him **or her**, upon application of such defendant the court shall order that the defendant be furnished with a copy of the transcript of such testimony.

\* \* \* \* \*

**Official Note:** Rule 263 adopted June 26, 1978, effective January 9, 1979; renumbered Rule 230 and amended March 1, 2000, effective April 1, 2001; **amended September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the September 21, 2012 correction of a typographical error in paragraph (B)(1) published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)**

**PART B. Court Cases**

**Rule 316. Conditions of the Program.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

A defendant may be required to accept conditions of the program as provided by statute. *See, e.g.*, 75 Pa.C.S. § [ 3731(e)(6) ] 3807 (Accelerated Rehabilitation Disposition).

**Official Note:** Rule 182 approved May 24, 1972, effective immediately; amended January 28, 1983, effective February 1, 1983; Comment revised April 10, 1989, effective July 1, 1989; Comment revised September 26, 1996, effective immediately; renumbered Rule 316 and amended March 1, 2000, effective April 1, 2001; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

Report explaining the September 26, 1996 Comment revision published with the Court's Order at 26 Pa.B. 4894 (October 12, 1996).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the September 21, 2012 correction of the reference to the Vehicle Code in the last paragraph of the Comment published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**CHAPTER 4. PROCEDURES IN SUMMARY CASES**

**PART E. General Procedures in Summary Cases**

**Rule 456. Default Procedures: Restitution, Fines, and Costs.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

When a defendant defaults on a payment of restitution, fines, or costs, paragraph (B) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within 10 days to explain why the defendant

should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. *See* Rule [ 430(D) ] 430(B)(4).

\* \* \* \* \*

**Official Note:** Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the September 21, 2012 Comment revision correcting the typographical error in the fourth paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART B. Instituting Proceedings**

**Rule 502. Instituting Proceedings in Court Cases.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

If the defendant is held for court, the attorney for the Commonwealth submits an information to the court (see Rule [ 225 ] 560). *See* Section 8931(d) of the Judicial Code, 42 Pa.C.S. § 8931(d).

\* \* \* \* \*

**Official Note:** Original Rule 102(1), (2), and (3), adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 102 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 101, and made applicable to court cases only, September 18, 1973, effective January 1, 1974; Comment revised February 15, 1974, effective immediately; amended June 30, 1975, effective September 1, 1975; Comment amended January 4, 1979, effective January 9, 1979; paragraph (1) amended October 22, 1981, effective January 1, 1982; Comment revised July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; Comment revised January 31, 1991, effective July 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; amended August 9, 1994, effective January 1, 1995; Comment revised January 16, 1996, effective immediately; renumbered Rule 502 and amended March 1, 2000, effective April 1, 2001; amended March 9, 2006, effective September 1, 2006; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the September 21, 2012 revising the second paragraph of the Comment to**

correct a typographical error published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).

### PART B(3). Arrest Procedures in Court Cases

#### (a) Arrest Warrants

##### Rule 515. Execution of Arrest Warrant.

\* \* \* \* \*

##### Comment

\* \* \* \* \*

Paragraph (C) abolishes the traditional practice known as "*NET*" or "[ *no* ] *non est inventus*" as being no longer necessary.

**Official Note:** Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 515 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended February 12, 2010, effective April 1, 2010; Comment revised July 31, 2012, effective November 1, 2012; **Comment revised September 21, 2012, effective immediately.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the September 21, 2012 revising the last paragraph of the Comment by correcting a typographical error published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

### PART C(1). Release Procedures

##### Rule 528. Monetary Condition of Release [ of ] on Bail.

(A) If the bail authority determines that it is necessary to impose a monetary condition of bail, to determine the amount of the monetary condition, the bail authority shall consider:

(1) the release criteria set forth in Rule [ 4002 ] 523; and

\* \* \* \* \*

**Official Note:** Former Rule 4007 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4013; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule [ 531 ] 4011. Present Rule 4007 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 528 and amended March 1, 2000, effective April 1, 2001; **amended September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the September 21, 2012 amendment correcting a typographical error in paragraph (A)(1) published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

### PART G. Procedures Following Filing of Information

##### Rule 569. Examination of Defendant by Mental Health Expert.

\* \* \* \* \*

##### Comment

\* \* \* \* \*

##### *Examination of Defendant*

\* \* \* \* \*

The court is required in paragraph (A)(2)(b) to inform the defendant, in person on the record, about the request for a compelled examination. *See* Rule [ 118 ] 119 (Use of Two-Way Simultaneous Audio-Video Communication in Criminal Proceedings). The court is to explain that the examination is being conducted at the request of the attorney for the Commonwealth and that the purpose of the examination is to obtain information about defendant's mental condition. In addition, the court should explain the procedures for the examination that are included in the court's order as set forth in paragraph (A)(2)(b), and explain the potential consequences of the defendant's failure to cooperate with the examination.

\* \* \* \* \*

**Official Note:** Adopted January 27, 2006, effective August 1, 2006; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the eighth paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

### PART G(1). Motion Procedures

##### Rule 576. Filing and Service by Parties.

\* \* \* \* \*

##### Comment

\* \* \* \* \*

Although paragraph [ (C)(1)(d) ] (B)(2)(d) permits the use of assigned mailboxes for service under this rule, the Attorney General's office never may be served by this method.

\* \* \* \* \*

**Official Note:** Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 2, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004, Comment revised June 4, 2004, effective November 1, 2004; Comment revised September 18, 2008, effective February 1, 2009; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

\* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 changes amending and combining Rule 576 with former Rule 577 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

**Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the thirteenth paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**Rule 584. Motion for Change of Venue or Change of Venire.**

(A) All motions for change of venue or for change of venire shall be made to the court in which the case is currently pending. Venue or venire may be changed by that court when it is determined after hearing that a fair and impartial trial cannot [ be ] otherwise be had in the county where the case is currently pending.

\* \* \* \*

**Official Note:** Rule 313 adopted June 30, 1964, effective January 1, 1965; Comment added June 28, 1976, effective July 1, 1976; renumbered Rule 312, and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended December 11, 1981, effective July 1, 1982; renumbered Rule 584 and amended March 1, 2000, effective April 1, 2001; **amended September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

\* \* \* \*

**Final Report explaining the September 21, 2012 amendment correcting a typographical error in paragraph (A) published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**CHAPTER 6. TRIAL PROCEDURES IN COURT CASES**

**PART A. General Provisions**

**Rule 602. Presence of the Defendant.**

\* \* \* \*

**Comment**

Nothing in this rule is intended to preclude a defendant from affirmatively waiving the right to be present at any stage of the trial, *see e.g., Commonwealth v. Vega*, **553 Pa. 255**, 719 A.2d 227 ([ Pa. ] 1998) (plurality) (requirements for a knowing and intelligent waiver of a defendant's presence at trial includes a full, on-the-record colloquy concerning consequences of forfeiture of the defendant's right to be present) or from waiving the right to be present by his or her actions, *see e.g., Commonwealth v. Wilson*, **551 Pa. 593**, 712 A.2d 735 ([ Pa. ] 1998) (defendant, who fled courthouse after jury was impaneled and after subsequent plea negotiations failed, was deemed to have knowingly and voluntarily waived the right to be present).

Former Rule 1117(c) was moved to Rule 462 (Trial *de novo*) in 2000 as part of the reorganization of the rules.

**Official Note:** Rule 1117 adopted January 24, 1968, effective August 1, 1968; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; renumbered Rule 602 and amended March 1, 2000, effective April 1, 2001; amended December 8, 2000, effective January 1, 2001; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

**[ FORMER RULE 1117: ]**

Final Report explaining the October 28, 1994 amendments published with the Court's Order at 24 Pa.B. 5841 (November 26, 1994).

**[ FORMER RULE 602: ]**

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

Final Report explaining the December 8, 2000 amendments published with the Court's Order at 30 Pa.B. 6546 (December 23, 2000).

**Final Report explaining the September 21, 2012 revision to the second paragraph of the Comment correcting a typographical error published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**PART C(1). Impaneling Jury**

**Rule 634. Number of Peremptory Challenges.**

\* \* \* \*

**Comment**

This rule governs the number of peremptory challenges for the selection of principal trial jurors. The number of peremptory challenges for the selection of alternate trial jurors is set forth in Rule [ 645 ] 633.

Previous Rule 1126 was adopted after the abolition of the Courts of Oyer and Terminer and General Jail Delivery, and served to preserve the number of peremptory challenges established with reference to such courts by the Act of March 6, 1901, P. L. 16, § 1, as amended by Act of July 9, 1901, P. L. 629, § 1. That rule was rescinded in 1977 in view of the Act of October 7, 1976, P. L. 1089, No. 217, §§ 1—2, which repealed the 1901 peremptory challenge statute and established the number of peremptory challenges without reference to the abolished courts.

Present Rule [ 1126 ] 634 (then-Rule 1126) was adopted in 1980 after the Act of October 7, 1976, P. L. 1089, No. 217, § 1, and other statutory provisions relating to peremptory challenges (see Act of March 31, 1860, P. L. 427, § 40, as amended by Act of October 7, 1976, P. L. 1055, No. 213, § 1) were repealed by the Judiciary Act Repealer Act, 42 P. S. § 20002(a) (377), (1479) (1979). Although this rule is intended to replace the repealed statutes as to peremptory challenges, the rule retains the number of peremptories that was established by such statutes.

When offenses of different grades are charged in a case, the number of peremptory challenges is intended to be determined by the highest grade of offense charged; cumulation is not intended.

**Official Note:** Previous Rule 1126 adopted December 24, 1968, effective January 1, 1969; rescinded May 26, 1977, effective July 1, 1977; present Rule 1126 adopted



July 1, 1980, effective August 1, 1980; renumbered Rule 634 and amended March 1, 2000, effective April 1, 2001; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the September 21, 2012 revision to the first and third paragraphs of the Comment correcting typographical errors published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**PART C(2). Conduct of Jury Trial**

**Rule 649. Sealed Verdict.**

\* \* \* \* \*

**Comment**

The 1972 amendment deleted the exception of those cases in which a capital crime is charged in view of *Furman v. Georgia*, 408 U.S. 238 (1972) and its companion cases, and in view of *Commonwealth v. Bradley*, 449 Pa. 19, 295 A.2d 842 ([ Pa. ] 1972).

This rule codifies the existing law with respect to sealed verdicts. See Rule [ 600(A) ] 103, Rule 601 and Rule 648(F).

Paragraph (C) follows the Pennsylvania cases, *Commonwealth v. Watson*, 211 Pa. Superior Ct. 394, 236 A.2d 567 ([ Pa. Super. ] 1967); *Commonwealth v. Lemley*, 158 Pa. Superior Ct. 125, 44 A.2d 317 ([ Pa. Super. ] 1945).

**Official Note:** Rule 1121 adopted January 24, 1968, effective August 1, 1968; amended November 29, 1972, effective 10 days hence; renumbered Rule 649 and amended March 1, 2000, effective April 1, 2001; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the September 21, 2012 revision of the Comment correcting a rule reference in the second paragraph and the case citations published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS**

**Rule 905. Amendment and Withdrawal of Petition for Post-Conviction Collateral Relief.**

\* \* \* \* \*

**Comment**

"Defective," as used in paragraph (B), is intended to include petitions that are inadequate, insufficient, or irregular for any reason; for example, petitions that lack particularity; petitions that do not comply substantially with Rule [ 1502 ] 902; petitions that appear to be patently frivolous; petitions that do not allege facts that would support relief; petitions that raise issues the defendant did not preserve properly or were finally determined at prior proceedings.

When an amended petition is filed pursuant to paragraph (D), it is intended that the clerk of courts transmit

a copy of the amended petition to the attorney for the Commonwealth. This transmittal does not require a response unless one is ordered by the judge as provided in these rules. See Rules 903 and 906.

**Official Note:** Previous Rule 1505 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by Rules [ 906(B), 908(A) ] 1506(b), 1508(a), and present Rule [ 905(C) ] 1505(c). Present Rule 1505 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 905 and amended March 1, 2000, effective April 1, 2001; **Comment revised September 21, 2012, effective November 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the August 11, 1997 amendments published with the Court's Order at 27 Pa.B. 4305 (August 23, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the first paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).**

**FINAL REPORT<sup>1</sup>**

**Amendments of Rules of Criminal Procedure 230, 528, and 584, and revision of the Comments to Rules of Criminal Procedure 316, 456, 502, 515, 569, 576, 602, 634, 649 and 905**

**Technical Corrections**

On September 21, 2012, effective November 1, 2012, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 230, 528, and 584, and approved the revision of the Comments to Rules of Criminal Procedure 316, 456, 502, 515, 569, 576, 602, 634, 649 and 905.

From time to time, the Committee has received communications identifying, and the members have noted, typographical errors in the Criminal Rules. The changes made in this Recommendation correct typographical errors that have come to the Committee's attention since the reorganization and renumbering of the Criminal Rules in 2000, and are not substantive in nature,

(A) The following rules have been amended to correct typographical errors in the text of the rules.

(1) The first sentence of Rule 230(B)(1) is amended by changing "is" to "in;" and

(2) Rule 584(A) is amended by deleting "be" in the third line between "cannot" and "otherwise."

(B) The Comments to the following rules have been revised to correct typographical errors.

(1) The last paragraph of the Comment to Rule 316 is revised by changing the reference to 75 Pa.C.S. § 3731(e)(6) to 75 Pa.C.S. § 3807 to reflect the change in the relevant statutory provisions when the Vehicle Code was amended in 2003.

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

(2) The fourth paragraph of the Comment to Rule 456 is revised by changing the reference to "Rule 430(D)" to "Rule 430(B)(4)."

(3) The last paragraph of the Comment to Rule 515 is revised by changing "no" to "non" in "*non est inventus*."

(4) The eighth paragraph of the Comment to Rule 569 is revised by changing the reference to "Rule 118" to "Rule 119" to reflect the change in numbering that occurred after Rule 569 was adopted.

(5) The thirteenth paragraph of the Comment to Rule 576 is revised by changing the reference to paragraph "(C)(1)(d)" to "(B)(2)(d)."

(6) The second paragraph of the Rule 602 Comment is revised by changing the reference to "Rule 642" to "Rule 462."

(C) The following rules have been amended or the Comments revised to correct the references to rule numbers that were changed as part of the reorganization and renumbering of the rules in 2000.

(1) The second paragraph of the Rule 502 Comment is revised to correct the rule reference by replacing "225" with "560."

(2) Rule 528(A)(1) is amended to correct the rule reference by replacing "4002" with "523."

(3) The first paragraph of the Rule 634 Comment is revised to correct the rule reference by replacing "645" with "633." The third paragraph of the Comment is revised to correct the rule reference by replacing "1126" with "634."

(4) The second paragraph of the Rule 649 Comment is revised to correct the rule reference by replacing "600(A)" with "103."

(5) The first paragraph of the Rule 905 Comment is revised to correct the rule reference by replacing "1502" with "902."

[Pa.B. Doc. No. 12-1937. Filed for public inspection October 5, 2012, 9:00 a.m.]

## [ 234 PA. CODE CH. 5 ]

### Proposed Amendments to Pa.R.Crim.P. 535

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 535 (Receipt for Deposit; Return of Deposit) to permit the clerk of courts to apply any bail monies that would be returnable to the defendant after full and final disposition of the case to any of the defendant's outstanding court fees, fine, costs, restitution, and bail judgments. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rule precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

no later than Friday, November 23, 2012.

*By the Criminal Procedural  
Rules Committee*

PHILIP D. LAUER,  
*Chair*

## Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART C(2). General Procedures in all Bail Cases

#### Rule 535. Receipt for Deposit; Return of Deposit.

(A) Any deposit of cash in satisfaction of a monetary condition of bail shall be given to the issuing authority, the clerk of courts, or another official designated by the president judge by local rule pursuant to Rule 117(C). The issuing authority, clerk, or other official who accepts the deposit shall give the depositor an itemized receipt, and shall note on the bail bond the amount deposited and the name of the person who made the deposit. The defendant shall sign the bail bond, and be given a copy of the signed bail bond.

\* \* \* \* \*

**[ (4) At the time bail is being deposited, no inquiry shall be made of the depositor whether he or she consents to have the deposit retained to be applied toward the defendant's fines, costs, or restitution, if any. ]**

(B) When the deposit is the percentage cash bail authorized by Rule 528, the depositor shall be notified that by signing the bail bond, the depositor becomes a surety for the defendant and is liable for the full amount of the monetary condition in the event the defendant fails to appear or comply as required by these rules.

(C) The clerk of courts shall place all cash bail deposits in a bank or other depository approved by the court and shall keep records of all deposits.

(D) Within 20 days of the full and final disposition of the case, the deposit shall be returned to the depositor, less any bail-related fees or commissions authorized by law, and the reasonable costs, if any, of administering the percentage cash bail program. **Unless otherwise ordered by the court, if the bail was deposited by or on behalf of the defendant and the defendant is the named depositor, the amount otherwise returnable to the defendant shall be used to pay and satisfy any outstanding fees, fines, costs, and restitution owed by the defendant in connection with any criminal or delinquency case in which the defendant owes fees, fines, costs, and restitution, as well as any bail judgment that may have been entered against a defendant pursuant to Rule 536.**

(E) When a case is transferred pursuant to Rule 130(B) or Rule 555, the full deposit shall be promptly forwarded

to the transfer judicial district, together with any bail-related fees, commissions, or costs paid by the depositor.

### Comment

When the president judge has designated another official to accept the bail deposit as provided in Rule 117, the other official's authority under Rule 117 and this rule is limited to accepting the deposit, having the defendant sign the bail bond, releasing the defendant, and delivering the bail deposit and bail bond to the issuing authority or the clerk of courts.

[ Paragraph (A) was amended in 2006 to make it clear that the clerk of courts or other official accepting a deposit of cash bail is not permitted to request that the depositor agree to have the cash bail deposit retained after the full and final disposition of the case to be applied toward the payment of the defendant's fines, costs, or restitution, if any. See, e.g., *Commonwealth v. McDonald*, 476 Pa. 217, 382 A.2d 124 (1978), which held that a deposit of cash to satisfy a defendant's monetary bail condition that is made by a person acting as a surety for the defendant may not be retained to pay for the defendant's court costs and/or fines. ]

Paragraph (D) was amended in 2012 to permit the court, after the full and final disposition of the case, to apply money deposited as bail to be applied to any owed fees, fines, costs, and restitution. This amendment, adopted pursuant to the authority granted in 42 Pa.C.S. § 5702, is a procedural mechanism by which the court may retain money the defendant previously deposited with the court to satisfy the defendant's obligations but only in criminal or delinquency cases.

Given the complexities of posting real estate to satisfy a monetary condition of release, posting of real estate may not be feasible outside the normal business hours.

\* \* \* \* \*

**Official Note:** Former Rule 4015, previously Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4015, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4015. Present Rule 4015 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 535 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000; amended March 3, 2004, effective July 1, 2004; amended June 30, 2005, effective August 1, 2006; amended March 9, 2006, effective August 1, 2006; **amended , 2012, effective , 2012.**

### Committee Explanatory Reports:

\* \* \* \* \*

**Report explaining the proposed changes to paragraph (D) concerning defendant's deposits of bail to be applied to fees, fines, costs, and restitution published for comment at 42 Pa.B. 6253 (October 6, 2012).**

## REPORT

### *Proposed Amendments to Pa.R.Crim.P. 535*

#### **Rule 535: Use of Bail Money for Payment of Fees, Fines, Costs, and Restitution**

#### *Background*

The Committee has been examining a proposal to amend Rule 535 to permit the clerk of courts to apply any bail monies that would be returnable to the defendant after full and final disposition of the case to any of the defendant's outstanding court fees, fine, costs, restitution, and bail judgments.

The Rules of Criminal Procedure traditionally have precluded directly applying bail money in this manner. This position was based on the concept that the purpose of bail is to ensure the presence of the defendant during the pendency of the case and not to obtain a "deposit" on future fine, costs, etc. One of the underlying concerns is that the ability of ensuring future payment of potential fine, costs, etc. will influence the bail determination inappropriately so that bail would be set higher than otherwise would be the case. Nevertheless, the Committee recognized that such a change might be a useful tool in collecting outstanding restitution and other costs.

The first question that the Committee considered was whether distribution of bail money in this manner fell within the purview of the Rules of Criminal Procedures. As part of this review, the Committee examined the current law in Pennsylvania on the return of bail, as well as the practice in other jurisdictions with regard to this question.

Under the common law, the purpose of bail was to ensure the appearance of the defendant and courts did not have the inherent power to apply bail money to another purpose.

In terms of constitutional concerns, the Eight Amendment of U.S. Constitution prohibits excessive bail. A U.S. Supreme Court case, *Cohen v. United States*, 7 L.Ed. 518, 82 S.Ct. 526 (1962), held that conditioning bail on the payment of a fine is excessive and in violation of the Eighth Amendment.

Several decades after the *Cohen* decision, a federal statute, 28 U.S.C. § 2044, was adopted that permits the use of deposited bail money to be applied to a defendant's costs, fines, restitution and other assessments. Constitutional challenges to this provision have been rejected because, unlike as in the *Cohen* case, Section 2044 does not precondition bail on the payment of any fine but rather is a procedural mechanism by which the court, after the defendant has appeared and the purpose of bail has been served, may disburse deposited money to those with claims on the funds. See *United States v. Higgins*, 987 F.2d 543 (1993).

Numerous states also have adopted statutes authorizing this practice. See, e.g., California Penal Code § 1297, Florida Statutes Annotated § 903.286, Illinois Compiled Statutes § 5/110-7(f), Minnesota Statutes Annotated § 629.53, Nevada Revised Statutes § 178.522, New York Criminal Procedure Law § 420.10(1)(e), Tennessee Code § 40-11-121, Wisconsin Statutes § 969.03(4).

In instances where specific statutory authority existed, courts have been very likely to allow the application of the bail to fines or costs. For example, in *State v. Iglesias*, 185 Wis. 2d 118, 517 N.W.2d 175 (1990), cert. den. (US) 130 L. Ed. 2d 547, 115 S. Ct. 641, the Wisconsin Supreme Court found that bail is not excessive if it is used for a



purpose which the legislature has deemed to be a compelling state interest and the amount is not excessive relative to the interest sought to be furthered.

Rather uniquely, Pennsylvania's Bail Statute delegates all authority over bail to the Supreme Court through its rule-making authority. Section 5702 of the Judicial Code, 42 Pa.C.S. § 5702, provides:

Except as otherwise provided by this title and the laws relating to the regulation of surety companies, all matters relating to the fixing, posting, forfeiting, exoneration and distribution of bail and recognizances shall be governed by general rules. (Emphasis added.)

While there are no Pennsylvania cases addressing the propriety of retaining returnable bail money for payment of fines, costs, or restitution, there have been a few cases that dealt with certain aspects of this issue, usually involving cases in which third parties were seeking the return of money they had posted on behalf of a defendant. For example, in *Commonwealth v. McDonald*, 476 Pa 217, 382 A2d 124 (1978), the Pennsylvania Supreme Court held that the trial court erred in refusing to return the bail deposit after the defendant was taken into custody after allegedly committing a new offense, concluding that the bail was revoked when the defendant was placed in custody, and the trial court no longer had the authority to retain it. The Court specifically reserved judgment on the question of "whether and to what extent the Rules of Criminal Procedure allow bail deposits to be applied to the collection of fines imposed upon the defendant."

Based upon the foregoing, the Committee concluded that a change that would permit the retention of returnable bail money to satisfy a defendant's existing obligations to the court was a valid exercise of the rule-making authority. Furthermore, the Committee agreed that the change has the potential to be a useful tool for the more efficient collection of owed moneys, including restitution, reducing collection costs for the court and even for the defendant who would otherwise face additional costs where the court forced to seek collections processes.

#### *Proposed Rule Changes*

The proposed amendment to Rule 535 would give the clerk of courts the authority to retain the returnable bail to pay any outstanding fines, costs, fees, and restitution ordered in any criminal or delinquency cases of the defendant statewide. The Committee rejected a suggestion to permit application of the bail money to other outstanding obligations such as for support and judgments for arrearages, concluding that expanding the provision beyond cases that are essentially criminal in nature would be beyond the Criminal Rules' authority.

Additionally, the Committee also believed that this provision should provide some form of relief where its application would work a hardship on the defendant. The prefatory language in the proposed amendment, "unless otherwise ordered by the court," is intended to provide the authority to the court to order the return of bail money where such a hardship would occur by retention of the bail money.

The applicability of this provision is limited to only money that has been deposited by the defendant and the language "deposited by or on behalf of the defendant and the defendant is the named depositor" has been added to reflect this limitation.

An additional change would be the removal of paragraph (A)(4), that prohibits inquiring whether the defen-

dant consents to applying deposited bail money towards fines, costs, *etc.*, because the defendant's consent to having the bail money retained would no longer be needed.

Finally, the language of the Comment would be revised to further explain the change.

[Pa.B. Doc. No. 12-1938. Filed for public inspection October 5, 2012, 9:00 a.m.]

### [ 234 PA. CODE CHS. 5 AND 8 ]

#### **Proposed New Pa.Rs.Crim.P. 870—875; Proposed Amendments to Pa.Rs.Crim.P. 568, 807 and 809; Proposed Revision of the Comment to Pa.R.Crim.P. 808**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules 870—875,<sup>1</sup> amend Rules 568, 807, and 809, and revise the Comment to Rule 808 to provide procedures for the determination of a defendant's mental retardation that would preclude the imposition of a sentence of death. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed changes to the rule precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

no later than Friday, November 23, 2012.

*By the Criminal Procedural  
Rules Committee*

PHILIP D. LAUER,  
*Chair*

#### **Annex A**

#### **TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

#### **PART G. Procedures Following Filing of Information**

#### **Rule 568. Notice of Defense of Insanity or Mental Infirmary; Notice of Expert Evidence of A Mental Condition.**

##### **(A) NOTICE BY DEFENDANT**

\* \* \* \* \*

##### **(2) Notice of Expert Evidence of Mental Condition**

<sup>1</sup> The proposed new rules are in a new Part C to Chapter 8 because there is pending a proposal for a new Part B addressing competency to be executed. See Report, 40 Pa.B. 2397 (May 8, 2010).

[A] Except as provided in Rule 871, a defendant who intends to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing (1) on the issue of guilt, or (2) in a capital case, on the issue of punishment, shall file with the clerk of courts not later than the time required for filing an omnibus pretrial motion provided in Rule 579 a notice of the intention to offer this expert evidence, and shall serve a copy of the notice and a certificate of service on the attorney for the Commonwealth.

\* \* \* \* \*

#### Comment

This rule, which is derived from paragraphs (C)(1)(b), (c)—(f), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2006, sets forth the notice procedures when a defendant intends to raise a defense of insanity or mental infirmity, or introduce evidence relating to a mental disease or defect or any other mental condition at trial.

For the procedures related to the determination of mental retardation precluding imposition of a sentence of death, see Chapter 8 Part (C).

\* \* \* \* \*

**Official Note:** Adopted January 27, 2006, effective August 1, 2006; **renumbered Rule 802 June 4, 2004, effective November 1, 2004; amended** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendment to paragraph (A)(2) and Comment revisions regarding notice of mental retardation published for comment at 42 Pa.B. 6260 (October 6, 2012).

### CHAPTER 8. SPECIAL RULES FOR CASES IN WHICH DEATH SENTENCE IS AUTHORIZED

#### Rule 807. Sentencing Verdict Slip.

##### (A) JURY

(1) [In] Except as provided in paragraph (2), in all cases in which the sentencing proceeding is conducted before a jury, the judge shall furnish the jury with a jury sentencing verdict slip in the form provided by Rule 808.

(2) In cases in which the jury is to determine if imposition of a sentence of death is precluded due to the defendant's mental retardation, the judge shall furnish the jury with the sentencing verdict slip in the form required by Rule 875. If the jury subsequently does not find unanimously that the defendant is mentally retarded, the judge then shall furnish the jury with a jury sentencing verdict slip in the form provided by Rule 808.

(3) Before the jury retires to deliberate, the judge shall meet with counsel and determine those aggravating and mitigating circumstances of which there is some evidence. The judge shall then set forth those circumstances on the sentencing verdict slip using the language provided by law.

[ (3) ] (4) The trial judge shall make the completed sentencing verdict slip part of the record.

##### (B) TRIAL JUDGE

(1) In all cases, including those in which the defendant seeks to have the imposition of a sentence of death precluded by reason of mental retardation, in

which the defendant has waived a sentencing proceeding before a jury and the trial judge determines the penalty, the trial judge shall complete a sentencing verdict slip in the form provided by Rule 809.

\* \* \* \* \*

**Official Note:** Rule 357 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 806 and amended March 1, 2000, effective April 1, 2001; renumbered Rule 807 June 4, 2004, effective November 1, 2004; **amended** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendments regarding cases in which the defendant has introduced evidence of mental retardation published for comment at 42 Pa.B. 6260 (October 6, 2012).

#### Rule 808. Form for Jury Sentencing Verdict Slip.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

The list of aggravating and mitigating circumstances completed by the judge in Part I, and by the jury foreperson in Part II, should use the language provided by law for each circumstance. See Sentencing Code, 42 Pa.C.S. § 9711(d) and (e). The judge's instructions on the weighing of aggravating and mitigating circumstances must comply with *Mills v. Maryland*, 108 S.Ct. 1860 (1988).

See Rule 875 for the jury verdict slip form to be used when the jury is to determine if imposition of the death penalty is precluded due to the defendant's mental retardation.

**Official Note:** Rule 358A adopted February 1, 1989, effective July 1, 1989; renumbered Rule 807 and amended March 1, 2000, effective April 1, 2001; renumbered Rule 808 June 4, 2004, effective November 1, 2004; **Comment revised** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed Comment revision cross-referencing Rule 875 published for comment at 42 Pa.B. 6260 (October 6, 2012).

#### Rule 809. Form for Trial Judge Sentencing Verdict Slip.

IN THE COURT OF COMMON PLEAS OF  
\_\_\_\_\_ COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :  
vs. : NO. \_\_\_\_\_  
:

#### FIRST DEGREE MURDER SENTENCING VERDICT SLIP

A. I, \_\_\_\_\_ J., sentence the defendant to:

\_\_\_\_\_ Death  
\_\_\_\_\_ Life Imprisonment

B. The findings on which the sentence of death is based are:

\_\_\_\_\_ 1. At least one aggravating circumstance and no mitigating circumstance.

The aggravating circumstance(s) (is) (are):

\_\_\_\_\_

\_\_\_\_\_ 2. One or more aggravating circumstances which outweigh(s) any mitigating circumstance(s).

The aggravating circumstance(s) (is) (are):

\_\_\_\_\_

The mitigating circumstance(s) (is) (are):

\_\_\_\_\_

C. The findings on which the sentence of life imprisonment is based are:

\_\_\_\_\_ **A sentence of death is precluded because the defendant is mentally retarded.**

**OR**

\_\_\_\_\_ 1. No aggravating circumstance exists.

\_\_\_\_\_ 2. The mitigating circumstance(s) (is) (are) not outweighed by the aggravating circumstance(s).

The mitigating circumstance(s) (is) (are):

\_\_\_\_\_

The aggravating circumstance(s) (is) (are):

\_\_\_\_\_

\_\_\_\_\_ DATE \_\_\_\_\_, J.

#### **Comment**

In listing aggravating and/or mitigating circumstances in Sections B or C, the trial judge should use the language provided by law for each circumstance. See Sentencing Code, 42 Pa.C.S. § 9711(d) and (e).

**Official Note:** Rule 358B adopted February 1, 1989, effective July 1, 1989; renumbered Rule 808 and Comment revised March 1, 2000, effective April 1, 2001; renumbered Rule 809 June 4, 2004, effective November 1, 2004; **amended** \_\_\_\_\_, **2012, effective** \_\_\_\_\_, **2012.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendment regarding findings of mental retardation published for comment at 42 Pa.B. 6260 (October 6, 2012).**

#### **PART C. PROCEDURES FOR SEEKING TO PRECLUDE IMPOSITION OF A SENTENCE OF DEATH BY REASON OF THE DEFENDANT'S MENTAL RETARDATION**

(*Editor's Note:* Rules 870—875 are new and printed in regular type to enhance readability.)

#### **Rule 870. Scope.**

The rules in Part C provide the procedure for determining if imposition of the death penalty is precluded due to the defendant's mental retardation.

#### **Comment**

These rules are intended to apply only to cases arising within the context of the United States Supreme Court decision in *Atkins v. Virginia*, 536 U.S. 304 (2002), that held "executions of mentally retarded criminals are 'cruel

and unusual punishments' prohibited by the Eighth Amendment" as applied in Pennsylvania by *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011).

**Official Note:** New Rule 870 adopted \_\_\_\_\_, 2012, effective \_\_\_\_\_, 2012.

#### **Committee Explanatory Reports:**

Report explaining the proposed adoption of the new rule published for comment at 42 Pa.B. 6260 (October 6, 2012).

#### **Rule 871. Notice of Mental Retardation Precluding Imposition of Sentence of Death.**

(A) Notice of Mental Retardation Precluding Imposition of a Sentence of Death

A defendant who intends to offer evidence of mental retardation that would preclude the imposition of a sentence of death shall file with the clerk of courts not later than 90 days after arraignment, or within such other time as allowed by the court upon cause shown, a notice and certification of service on the attorney for the Commonwealth.

(1) The notice and certification shall be signed by the attorney for the defendant or the defendant if unrepresented.

(2) The notice shall contain specific available information as to the nature and extent of the alleged mental retardation and the names and addresses of witnesses, experts or otherwise, whom the defendant intends to call to establish mental retardation.

(B) Notice of Expert Evidence of Mental Retardation

A defendant who intends to introduce expert evidence relating to mental retardation that would preclude imposition of a sentence of death shall file with the clerk of courts not later than 90 days after arraignment, or within such other time as allowed by the court upon cause shown, a notice of the intention to offer this expert evidence and a certificate of service on the attorney for the Commonwealth.

(1) The notice and certificate shall be signed by the attorney for the defendant or the defendant if unrepresented.

(2) The notice shall contain specific available information as to the nature and extent of the alleged mental retardation or any other mental condition, and the names and addresses of the expert witness(es) whose evidence the defendant intends to introduce.

(C) Reciprocal Notice of Witnesses

Within 30 days after receipt of the defendant's notice of mental retardation that would preclude the imposition of a sentence of death, or notice of expert evidence of mental retardation or within such other time as allowed by the court upon cause shown, the attorney for the Commonwealth shall file and serve upon defendant's attorney, or the defendant if unrepresented, written notice of the names and addresses of all witnesses the attorney for the Commonwealth intends to call to disprove or discredit the defendant's claim of mental retardation.

(D) If prior to or during trial a party learns of an additional witness or additional information which, if known, should have been included in the notice furnished under paragraphs (A), (B), or (C), the party shall promptly notify the other party's attorney, or if unrepresented, the other party, of the existence and identity of such additional witness.



(E) After docketing the notice, the clerk of courts immediately shall transmit the notice to the trial judge.

#### Comment

This rule sets forth the notice procedures when a defendant intends to assert his or her mental retardation to preclude imposition of the death penalty pursuant to *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011).

Notices filed in accordance with this rule fall within the definition of “motion” in Rule 575 and must comply with the provisions of Rules 575 and 576.

The requirement in Paragraph (B) for a separate notice of intention to introduce expert evidence is intended to alert all the parties that there will be expert evidence and that the parties are prepared for this evidence. See Rule 872 regarding the requirement that any expert who has examined the defendant must prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert’s opinions and the grounds for each opinion.

Paragraph (E) emphasizes the requirement that the trial judge be informed of the filing of the notice at the earliest occasion to ensure the prompt collection of all materials relevant to the issue of the defendant’s mental retardation.

Nothing in this rule precludes the trial judge from raising the issue of the defendant’s mental retardation *sua sponte*.

**Official Note:** New Rule 871 adopted , 2012, effective , 2012.

#### Committee Explanatory Reports:

Report explaining the proposed adoption of the new rule published for comment at 42 Pa.B. 6260 (October 6, 2012).

### Rule 872. Examination of Defendant by Mental Health Expert.

#### (A) EXAMINATION OF DEFENDANT

##### (1) BY AGREEMENT

(a) The defendant, defendant’s counsel, and the attorney for the Commonwealth may agree to an examination of the defendant by the mental health expert(s) designated in the agreement for the purpose of determining mental retardation that would preclude imposition of a sentence of death.

(b) The agreement shall be in writing and signed by the defendant, defendant’s counsel, and the attorney for the Commonwealth, or made orally on the record.

(c) Unless otherwise agreed, the mental health expert(s) promptly shall prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert’s opinions and the grounds for each opinion.

##### (2) BY COURT ORDER

(a) Upon motion of the attorney for the Commonwealth, if the court determines the defendant has provided notice of mental retardation that would preclude the imposition of a sentence of death or notice of intention to introduce expert evidence relating to mental retardation that would preclude imposition of a sentence of death, the court shall order that the defendant submit to an examination by one or more mental health experts specified in the motion by the Commonwealth for the purpose of determining the condition of mental retardation put in issue by the defendant.

(b) When the court orders an examination pursuant to this paragraph, the court on the record shall advise the defendant in person and in the presence of defendant’s counsel:

(i) of the purpose of the examination and the contents of the court’s order;

(ii) that the information obtained from the examination may be used at trial; and

(iii) the potential consequences of the defendant’s refusal to cooperate with the Commonwealth’s mental health expert(s).

(c) The court’s order shall:

(i) specify who may be present at the examination; and

(ii) specify the time within which the mental health expert(s) must submit the written report of the examination.

(d) Upon completion of the examination of the defendant, the mental health expert(s), within the time specified by the court as provided in paragraph (A)(2)(c)(ii), shall prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert’s opinions and the grounds for each opinion.

#### (B) DISCLOSURE OF REPORTS BETWEEN PARTIES

(1) The mental health experts’ reports shall be confidential, and not of public record.

(2) Any mental health expert whom either party intends to call to testify concerning the defendant’s condition of mental retardation must prepare a written report. No mental health expert may be called to testify concerning the defendant’s condition of mental retardation until the expert’s report has been disclosed as provided herein.

(3) The court shall set a reasonable time after the Commonwealth’s expert’s examination for the disclosure of the reports of the parties’ mental health experts.

#### (C) PROTECTIVE ORDERS

Upon a sufficient showing, the court may at any time order that the disclosure of a report or reports be restricted or deferred for a specified time, or make such other order as is appropriate. Upon motion of any party, the court may permit the showing to be made *in camera*.

#### (D) SANCTIONS FOR NON-COMPLIANCE

At any time during the course of the proceedings, upon motion or *sua sponte*, if the court determines there has been a failure to comply with this rule, the court may order compliance, may grant a continuance, or may grant other appropriate relief. Upon motion, any hearing to determine if there has been a failure to comply may be held *in camera* and the record sealed until after disposition of the case.

#### Comment

This rule establishes the procedures for the examination of the defendant by a mental health expert(s) retained by the prosecution pursuant to an agreement by the parties, see paragraph (A)(1), or a court order, see paragraph (A)(2) in cases in which the defendant’s mental retardation has been raised to preclude the imposition of a sentence of death.

“Mental Health Expert,” as used in this rule, includes a psychiatrist, a licensed psychologist, a physician, or any other expert in the field of mental health who will be of

substantial value in the determination of the issues raised by the defendant concerning his or her mental retardation.

#### *Examination of Defendant*

Paragraph (A)(1) is intended to encourage the defendant, defendant's counsel, and the attorney for the Commonwealth to agree to an examination of the defendant by the Commonwealth's mental health expert(s).

When the defendant, defendant's attorney, and the attorney for the Commonwealth agree that the defendant will be examined under this rule, at a minimum, the agreement should specify the time, place, and conditions of the examination, who may be present during the examination, and the time within which the parties will disclose the reports of their experts.

It is intended that the examining mental health expert(s), whether appointed pursuant to the agreement of the parties or a Commonwealth's motion, have substantial discretion in how to conduct an examination. The conduct of the examination, however, must conform to generally recognized and accepted practices in that profession. Therefore, the examination of the defendant may consist of such interviewing, clinical evaluation, and psychological testing as the examining mental health expert(s) considers appropriate, within the limits of non-experimental, generally accepted medical, psychiatric, or psychological practices.

Nothing in this rule is intended to limit the number of examining experts the defense may use, nor is it to be construed as a limitation on any party with regard to the number of other expert or lay witnesses they may call to testify concerning the defendant's mental retardation.

The court is required in paragraph (A)(2)(b) to inform the defendant, in person on the record, about the request for a compelled examination. See Rule 118 (Use of Two-Way Simultaneous Audio-Video Communication in Criminal Proceedings). The court is to explain that the examination is being conducted at the request of the attorney for the Commonwealth and that the purpose of the examination is to obtain information about defendant's mental condition specifically with regard to mental retardation. In addition, the court should explain the procedures for the examination that are included in the court's order as set forth in paragraph (A)(2)(b), and explain the potential consequences of the defendant's failure to cooperate with the examination.

Paragraph (A)(2)(d) requires that the examining mental health expert(s) promptly prepare a written report and sets forth the minimum contents of that report. It is intended that the scope of the mental health expert's report be limited in the court's order to matters related to the defendant's mental condition at the time put into issue by the defendant.

#### *Disclosure of Reports*

After the examination of the defendant by the Commonwealth's mental health expert(s) is completed and the mental health expert's report has been prepared, the defendant and the Commonwealth are required in paragraph (B) to disclose the reports that are made by any experts either party intends to call to testify concerning the defendant's mental retardation. The reports must be in writing, and should comply with the content requirements in paragraph (A)(2)(d). An expert witness, whether or not the expert witness has examined the defendant, cannot testify until the report is disclosed as provided in paragraph (B)(2) and (3). There may be situations in

which the court would have to call a short recess to permit the expert to complete a written report and to give the parties an opportunity to review the report, such as when a mental health expert(s) is observing the defendant during the trial and will be called to testify on these observations.

When the parties agree to the examination, the time for the disclosure of the reports should be set by the agreement of the parties. The agreement should permit adequate time to review the reports and prepare for the proceeding. If the parties cannot agree, in cases proceeding pursuant to court order under paragraph (A)(2), the court should set the time for the disclosure of reports, which should afford the parties adequate time to review the reports and prepare for the proceeding.

Establishing a reasonable time frame and providing for the reciprocal disclosure are intended to further promote the fair handling of these cases. In no case should the disclosure occur until after the defendant has been examined by the Commonwealth's mental health expert(s) and the mental health expert(s) has prepared and submitted a written report.

There may be cases in which, although proceeding pursuant to a court order, the parties, with the court's approval, agree to an earlier time for disclosure consistent with the purposes of this rule. This rule would not preclude such an agreement.

The procedures in paragraph (C) are similar to the existing procedures for protective orders in Rule 573(F).

Because the question of whether the imposition of a sentence of death is precluded due to the defendant's mental retardation ordinarily is a question reserved for sentencing, use of information obtained from the examination of a defendant by a Commonwealth's expert is not to be disclosed or used until after the defendant has been found guilty. This may require that the Commonwealth's examination should be sealed until the penalty phase of defendant's trial takes place. See *Commonwealth v. Sartin*, 561 Pa. 522, 751 A.2d 1140 (2000). However, where the parties have agreed to a pretrial determination of the issue pursuant to Rule 873, earlier disclosure may be required.

See the Pennsylvania Rules of Evidence concerning the admissibility of the experts' reports and information from any examinations of the defendant by an expert.

#### *Sanctions*

The sanctions authorized by paragraph (D) may be imposed on any person who has failed to comply with any of the provisions of this rule, including the attorney for the Commonwealth, the defendant, defendant's counsel, or an expert.

When the defendant has refused to cooperate in the examination by the Commonwealth's mental health expert(s), before imposing a sanction, the court should consider whether the defendant's failure to cooperate (1) was intentional, (2) was the result of the defendant's mental condition, and (3) will have an adverse and unfair impact on the Commonwealth's ability to respond to the defendant's claim. The court also should consider whether ordering the defendant to resubmit to the examination would result in the defendant's cooperation.

**Official Note:** New Rule 872 adopted , 2012, effective , 2012.

*Committee Explanatory Reports:*

Report explaining the proposed adoption of the new rule published for comment at 42 Pa.B. 6260 (October 6, 2012).

**Rule 873. Optional Pre-Trial Hearing.**

(A) If the parties agree, the issue of defendant's mental retardation precluding imposition of a sentence of death may be determined by the judge after a pre-trial evidentiary hearing.

(B) The defendant shall appear in person with counsel at the hearing.

(C) The defendant shall have the burden of going forward with the evidence.

(D) No later than the beginning of the evidentiary hearing, the judge shall advise defendant that, by agreeing to have the issue of his or her mental retardation decided pre-trial, the defendant, if convicted, will not be permitted to seek a preclusion of the imposition of a sentence of death due to mental retardation with a jury. In these cases, the defendant may introduce evidence of the defendant's mental retardation for purposes of mitigation only.

(E) The attorney for the Commonwealth and the defendant's attorney may introduce evidence and cross-examine any witness, including the examining mental health experts. The judge may call and interrogate witnesses as provided by law.

(F) Within 30 days of the completion of the evidentiary hearing, the judge shall enter an order finding either that the defendant is mentally retarded and therefore is precluded from receiving a sentence of death or that the defendant is not mentally retarded.

**Comment**

In *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011), the Pennsylvania Supreme Court held that, pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), a determination that a defendant is precluded from receiving a sentence of death by reason of mental retardation generally is to be made by the jury.

As provided in *Sanchez*, the parties may agree to a pre-trial determination of the defendant's ineligibility for the death penalty to be made by the trial judge. The defendant has the burden of proof by a preponderance of the evidence to prove mental retardation. See *Commonwealth v. Sanchez*, \_\_\_ Pa. \_\_\_, 36 A.3d at 62-63. If the trial judge finds defendant is eligible for the death penalty, the defendant may introduce evidence of mental retardation only during the penalty portion of trial and only for purposes of mitigation.

**Official Note:** New Rule 873 adopted \_\_\_, 2012, effective \_\_\_, 2012.

*Committee Explanatory Reports:*

Report explaining the proposed adoption of the new rule published for comment at 42 Pa.B. 6260 (October 6, 2012).

**Rule 874. Sentencing Procedures in Cases in Which the Defendant's Mental Retardation Is Asserted.**

(A) Unless the issue is decided pretrial pursuant to rule 873, in a case in which the defendant has asserted that imposition of a sentence of death is precluded by reason of his or her mental retardation, after a return of a verdict of guilty of murder in the first degree, a sentencing hearing shall be held in which all sentencing

evidence shall be presented, including, but not limited to, evidence of the defendant's mental retardation and evidence of aggravating and mitigating circumstances.

(B) After presentation of the evidence, the judge shall determine if sufficient evidence exists for the jury to decide whether the imposition of a sentence of death should be precluded by reason of mental retardation.

(C) Each party shall be entitled to present one closing argument addressing all sentencing issues, including the defendant's incompetence to be executed due to mental retardation and arguments for or against the sentence of death penalty. The defendant's argument shall be made last.

(D) Upon completion of argument, the judge shall instruct the jury solely upon the issue of the defendant's mental retardation and shall submit a special issue to the jury as to whether the defendant is mentally retarded.

(E) The question of the defendant's mental retardation shall be considered and answered by the jury prior to the consideration of any other sentencing issue and the determination of sentence.

(F) If the jury determines the defendant to be mentally retarded, the judge shall declare the case noncapital and the defendant shall be sentenced to life imprisonment.

(G) If the jury finds the defendant is not mentally retarded, the judge will instruct the jury on the mitigating and aggravating circumstances and the jury shall deliberate on whether or not to impose the death penalty.

**Comment**

In *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011), the Pennsylvania Supreme Court held that, pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), a determination that a defendant is precluded from receiving the death penalty by reason of mental retardation is to be made by the jury as the first issue in sentencing. This rule provides the procedures for that jury determination.

This rule contemplates that a single capital sentencing hearing will be held in such cases but the jury's deliberations will be conducted sequentially with the defendant's mental retardation decided first. If the jury finds the defendant not mentally retarded, the judge will instruct the jury on the issues related to the imposition of a sentence of death, including the mitigating and aggravating circumstances, after which the jury will deliberate on the sentence.

Except as otherwise provided in Part C of this Chapter, sentencing shall proceed as provided in Chapter 7.

**Official Note:** New Rule 874 adopted \_\_\_, 2012, effective \_\_\_, 2012.

*Committee Explanatory Reports:*

Report explaining the proposed adoption of the new rule published for comment at 42 Pa.B. 6260 (October 6, 2012).

**Rule 875. Form for Sentencing Verdict Slip in Cases in Which the Defendant's Mental Retardation Is Asserted.**

IN THE COURT OF COMMON PLEAS OF  
\_\_\_\_\_ COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :  
vs. : NO. \_\_\_\_\_  
:



FIRST DEGREE MURDER  
SENTENCING VERDICT SLIP

FINDINGS REGARDING MENTAL RETARDATION

INSTRUCTIONS:

Indicate whether you unanimously agree that the defendant was proven to be mentally retarded at the time of the murder.

Upon completion of deliberations on the question of the defendant's mental retardation, return to the courtroom for further instructions from the judge.

FINDINGS:

\_\_\_\_\_ We, the jury, unanimously find that the defendant has proven by a preponderance of the evidence that the defendant was mentally retarded at the time of the murder.

\_\_\_\_\_ We, the jury, unanimously find that the defendant has not proven by a preponderance of the evidence that the defendant was mentally retarded at the time of the murder.

\_\_\_\_\_ We, the jury, cannot agree unanimously that the defendant was mentally retarded at the time of the murder.

\_\_\_\_\_ DATE \_\_\_\_\_ JURY FOREPERSON

**Comment**

The verdict slip form was created in 2012 to provide for those cases in which the question of a defendant's mental retardation that would preclude imposition of the death penalty is determined by the jury. See *Atkins v. Virginia*, 536 U.S. 304 (2002) and *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011). See also Rule 874. For optional procedures for a pretrial determination of the defendant's mental retardation, see Rule 873.

The judge should caution the jury that the verdict slip is to be used to record the sentencing verdict and findings, and that the slip should be completed only after their deliberations are concluded.

**Official Note:** Rule 874 adopted \_\_\_\_\_, 2012, effective \_\_\_\_\_, 2012.

*Committee Explanatory Reports:*

Report explaining the proposed adoption of the new Rule 874 providing the jury verdict slip form in cases involving a determination of mental retardation precluding imposition of the death penalty published for comment at 42 Pa.B. 6260 (October 6, 2012).

**REPORT**

***Proposed New Pa.Rs.Crim.P. 870-875; Proposed Amendments to Pa.Rs.Crim.P. 568, 807, and 809; Proposed Revision of the Comment to Pa.R.Crim.P.808***

**Procedures for Seeking to Preclude Imposition of a Sentence of Death By Reason Of Defendant's Mental Retardation**

The Supreme Court of Pennsylvania recently directed the Criminal Procedural Rules Committee to develop notice procedures for asserting claims arising under *Atkins v. Virginia*, 536 U.S. 304 (2002), a U.S. Supreme Court case that held that the execution of the mentally retarded violates the constitutional prohibition against cruel and unusual punishment, as applied in Pennsylvania in the case of *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011).

*Background*

The question of the availability of the death penalty for mentally retarded individuals convicted of a capital offense was definitively decided by the U.S. Supreme Court in *Atkins v. Virginia*, 536 U.S. 304 (2002). In *Atkins*, the Supreme Court found that the execution of the mentally retarded is "cruel and unusual punishment" within the meaning of the Eighth Amendment's prohibition. In this decision, however, the Court did not adopt a definition of mental retardation or a prescribed method of how the issue should be determined. Instead, the Court left those tasks to the individual states to develop, specifically noting that states are "left the task of developing appropriate ways to enforce the constitutional restriction upon execution of sentences." *Id.* at 317.<sup>2</sup> The concept of individual state action on *Atkins* issues was reaffirmed in the case of *Schriro v. Smith*, 546 U.S. 6 (2005), that held that the states must develop their own legal definition of mental retardation. There is currently no statute that provides for an *Atkins* determination in Pennsylvania.<sup>3</sup>

In the absence of action by the Legislature, the Pennsylvania Supreme Court addressed most of the substantive questions regarding adjudication of *Atkins* claims in *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011). In *Sanchez*, the Court expressed frustration over the fact that ten years had gone by since the *Atkins* decision without the Legislature being able to develop *Atkins* standards in the Commonwealth. Although acknowledging that setting such standards should be a legislative matter, the delay caused the Court to act, using the *Sanchez* case to establish the parameters for making *Atkins* determinations.

*Sanchez* provides that the decision regarding this issue will be made by the jury as the first issue to be determined at sentencing, with the requirement that the finding of mental retardation for death penalty preclusion must be unanimous. However, the parties may agree to have the issue decided by the judge pre-trial. The Court placed the burden of proof on the proponent of the *Atkins* claim, usually the defendant, to prove mental retardation by a preponderance of the evidence.

*Discussion*

The Committee's examination initially focused on the question of the timing for raising this issue. The Committee believes that the rules should provide specific timing requirements for the raising of an *Atkins/Sanchez* claim. The Committee considered a time limit similar to that used for the Rule 568 (Notice of Insanity Defense)—the motion is to be filed not later than the time required for filing an omnibus pretrial motion, 30 days after arraignment.

Ultimately, the Committee concluded that the time limit should not be tied it to the omnibus pretrial motions rules but should be based on the arraignment date. This would be consistent with the requirements for the notice of aggravating circumstances in Rule 802. A time period

<sup>2</sup> The Committee had previously discussed *Atkins* in 2010, prior to the decision in *Sanchez*, ultimately concluding that, while some aspects of this issue would necessitate procedural rule changes, most of the questions were of a substantive nature and more appropriately decided by legislation or caselaw. The Committee therefore took no action at that time.

<sup>3</sup> "Mental retardation" was defined in Pennsylvania in *Commonwealth v. Miller*, 585 Pa. 144, 888 A.2d 624 (2005) which held that a defendant may establish mental retardation as defined by either the American Association of Mental Retardation or Diagnostic and Statistical Manual of Mental Disorders, 4th Ed. (DSM-IV)

of ninety days after arraignment was reasonable given the amount of information that must be gathered in order to present a good faith notice of mental retardation.

In addition to determining the timing for providing the notice, the Committee consider other procedures that should be addressed in the new rule including that the procedures should provide for an extension of this time limitation for cause shown, and that early involvement of the trial judge, soon after the notice was filed, would be helpful in providing appropriate supervision of the discovery and examination process. The Committee also noted that the new notice procedures should provide for a response time of 30 days. This would be comparable to the procedures for the notice of insanity defense that served as a model of these notice procedures.

In further discussions, the Committee considered whether procedures comparable to the procedures in Rule 568 be added to address a continuing duty to disclose and reciprocal notice. Lastly, the Committee also considered whether the new procedures should provide for the Commonwealth to obtain an examination of the defendant by a mental health expert similar to the procedures in Rule 569.

Because of the additional elements, particularly the disclosure and examination provisions, the Committee realized that the proposal was extending beyond notice procedures. The Committee determined that an expanded proposal, setting forth as much of the procedures for making an Atkins/Sanchez determination as possible, would be helpful to the bench and bar and so agreed to exam procedures for how this determination is to be made, either by the jury or, upon agreement of the parties and a pretrial determination.

#### *Proposed Rule Changes*

Originally, the Committee considered placing these procedures in Rule 802. But given the increased scope of the proposal, placement here would make that rule very unwieldy. Therefore, the Committee concluded that the best structure for this proposal would be a series of separate rules grouped in a new subchapter (C) in Chapter 8 that would include new Rules 870 (Scope), 871 (Notice of Mental Retardation Precluding Imposition of the Death Penalty), and 872 (Examination of Defendant by Mental Health Expert), 873 (Optional Pre-trial Hearing), 874 (Sentencing Procedures in Cases in which the Defendant's Mental Retardation is Asserted), and 875 (Form for Sentencing Verdict Slip in Cases in which the Defendant's Mental Retardation is Asserted).

Proposed new Rule 870 would establish that the rules in Part C provide the procedure for determining the defendant's ineligibility to be executed by reason of mental retardation. The Comment to Rule 870 would include citations to *Atkins* and *Sanchez*.

New Rule 871 would provide for the timing of the filing of the notices. The rule would also contain the reciprocal notice provision as well as the continuing duty to disclose. The disclosure requirements in Rule 871 are based on those for the competency to stand trial determination procedures found in Rule 568.

Additionally, Rule 871 contains in paragraph (B) provisions for the filing of the separate notice of expert evidence provision. As this proposal is modeled on the notice of insanity defense procedures, the Committee

decided to retain this separate notice of expert evidence to keep the examination procedures for mental retardation similar to those for insanity.

Paragraph (E) of Rule 871 would require the clerk of courts to immediately send a copy of the notice to the trial judge to ensure the judge's supervision of the discovery and examination process at an early stage.

The notices filed under this rule would be considered "motions" and so the Comment would contain a cross-reference to Rules 575 and 576 for motion procedures and explains that the term "notices" as used in the rule fall within the definition of "motion" in Rule 575.

Rule 872 would provide the procedures by which the Commonwealth may obtain an examination of the defendant by a mental health expert. These procedures are almost identical to those found in Rule 569.

Proposed new Rule 873 would provide the procedures for an optional pre-trial hearing for the determination of the issue but, as provided in *Sanchez*, only if all the parties and the judge agree. Rule 873 also includes a time limit for when the decision of the pre-trial determination must be made. The judge would be required to enter an order within 30 days of the completion of the evidentiary hearing finding the defendant either is or is not competent to be executed due to mental retardation. Paragraph (D) would require that the judge advise the defendant that, by agreeing to have this issue decided pretrial, the defendant would not be able to argue for capital punishment preclusion with a jury but only may introduce mental retardation evidence for purposes of mitigation.

The Committee conducted a lengthy examination of the manner in which the sentencing hearing would proceed when a jury makes this determination. The proposal provides that, after the guilt determination, there will be a single capital sentencing hearing in which all sentencing evidence will be presented, followed by a single argument on all sentencing issues. At the conclusion of the arguments, the judge will instruct the jury on the mental retardation issue only. The jury then will deliberate on that single issue. If the jury finds the defendant not mentally retarded, the trial judge will instruct them on the mitigating and aggravating circumstances and the jury will deliberate on that phase of sentencing. New Rule 874 would detail this procedure.

A new separate jury verdict slip to record the jury's determinations regarding mental retardation has been developed and appears in Rule 875. Since it will be a distinct determination, the slip in Rule 875 is fairly short, with the only question that of whether the jury unanimously finds the defendant was mentally retarded at the time of the murder. If the jury finds the defendant mentally retarded, the jury would not need to consider aggravating or mitigating factors. If the jury does not find the defendant mentally retarded or if the jury cannot unanimously agree that the defendant was mentally retarded, the jury would proceed, after further instruction by the trial judge, to the capital determination guided by the jury slip in Rule 807.

While it is unlikely that a defendant to opt for a judge-alone trial and not seek the pre-trial determination, there might be a case in which that occurs. Therefore, the judge sentencing verdict slip in Rule 809 would be modified to incorporate this possibility and correlative changes also have been made to Rule 807 (B).

Finally, the proposal would make correlative changes to Rule 568 to indicate that procedures for *Atkins/Sanchez* determinations are in Chapter 8 Part (C).

[Pa.B. Doc. No. 12-1939. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA RULES

#### Amendment of Commerce Case Management Program; Administrative Doc. No. 02 of 2003

##### Order

*And Now*, this 18th day of September, 2012, it is hereby *Ordered* and *Decreed* that effective immediately, Section B. 1. 7. is amended to read as follows:

##### B. Assignment of Cases Subject to Commerce Program

1. *Cases Subject to Commerce Program.* Notwithstanding anything to the contrary in General Court Regulation 95-2 (Day Forward Program) or any other General Court Regulation, Jury, Non-Jury & Equity, and Class Action cases filed on or after January 1, 2000, but not Arbitration cases, shall be assigned to the Commerce Program if they are among the following types of actions:

\* \* \* \* \*

7. Derivative actions and class actions based on claims otherwise falling within these ten types, such as shareholder class actions, but not including consumer class actions, personal injury class actions, and products liability class actions;

\* \* \* \* \*

The Commerce Program Addendum shall be revised to reflect this amendment. All other provisions of Administrative Docket No. 02 of 2003 shall remain in full force and effect.

This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original order shall be filed with the Prothonotary in a Docket maintained for Administrative orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

*By the Court*

HONORABLE JOHN W. HERRON,  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 12-1940. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### McKEAN COUNTY

#### Adoption of Revised Local Rules of General Civil Procedure; Civil Division; No. 158 December Term 1904

##### Order

*And Now*, this 18th day of September, 2012, it is hereby *Ordered* and *Decreed*, pursuant to Pennsylvania Rule of Civil Procedure 239, as follows:

1. The Local Rules of Civil Procedure are hereby adopted, effective 30 days after publication in the *Pennsylvania Bulletin*;

2. The District Court Administrator, Joanne L. Bly, of the 48th Judicial District is hereby directed to:

a. File one (1) certified copy of this Order and the Local Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies of this Order and the Local Rules, along with a compact disc (CD) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this Order and the Local Rules with the Pennsylvania Civil Procedural Rules Committee;

d. Provide one (1) copy of this Order and the Local Rules to each member of the McKean County Bar Association, distribution may be made electronically; and

e. Keep this Order and the Local Rules continuously available for public inspection and copying in the Office of the McKean County Prothonotary and Clerk of Courts.

It is further *Ordered* and *Decreed* that, contemporaneously with the effective date of the aforementioned Local Rules of Civil Procedure, any previously adopted local rules of civil procedure are rescinded and vacated.

*By the Court*

JOHN H. PAVLOCK,  
*President Judge*

#### McKEAN COUNTY RULES OF CIVIL PROCEDURE RULES OF CONSTRUCTION

##### Rule L51. Title of Rules. Purpose.

These Local Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They shall be cited as "Rule L\_\_\_."

#### THE BUSINESS OF THE COURTS

##### Rule L205.2(a). Filing of Legal Papers.

In addition to the requirements forth in Pa.R.C.P. No. 204.1:

(1) All papers filed with the prothonotary shall be without folds to facilitate scanning and flat filing.

(2) All papers having multiple pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.

(3) All papers having multiple pages shall be bound at the top with a binding clip or single staple in the middle, not the side.



(4) No tape, headers or backers shall be used without prior approval of the prothonotary.

(5) Attachments to any paper filed with the prothonotary shall be clearly legible. Copies shall faithfully represent the original in every respect.

#### **Rule L205.2(b). Cover Sheet.**

(1) Pursuant to Pa.R.C.P. No. 205.5 the initial pleading in any civil action including actions for custody and visitation of minor children, actions for divorce, actions in domestic relations generally and actions in the Orphan's Court except actions filed pursuant to the Protection from Abuse Act, 23 Pa.C.S.A. § 1601 et seq. and actions for support, shall be accompanied by the cover sheet published by the court administrator of Pennsylvania available on the website of the Administrative Office of Pennsylvania Courts and from the prothonotary. The party filing the initial pleading in any other type of case not listed on the cover sheet or for which there is not an applicable header (e.g. TORT) under which the case type can be added on the line "Other:" shall mark in the lower right hand corner of the cover sheet under the heading "MISCELLANEOUS" sub-heading "Other:" Family Law, Orphan's Court and attach the supplement set forth in subdivision (3) of this rule.

The following are a list of case types that should be used when completing the Rule 205.5 Cover Sheet where not identified.

TORT: Assault, Wrongful Death/Survival, Minor's or Incapacitated Person's Compromise

CONTRACT: Mechanic's Lien, Insurance, Negotiable Instrument, Warranty

CIVIL APPEALS: Award of Viewers, Local Agency, Board of Elections

MISCELLANEOUS: Equitable Relief (Injunction), Labor Dispute, Confirm/Vacate Arbitration Award and any other case not specifically addressed in this rule.

(2) All pleadings including the initial pleading and entries of appearance filed in any matter shall be accompanied by the local cover sheet set forth in subdivision (3) of this rule.

(3) The court administrator shall design and publish the supplement referred to in subparagraph (1) of this rule and the local cover sheet referred to in subsection (2) of this rule. The latest version of these forms shall be available from the prothonotary and on the court's website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx). The prothonotary shall assist a party appearing pro se in the completion of these forms.

#### **Comment**

A "complex case" is an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel. The factors to be used in determining if a case is "complex" are among other things, whether the action is likely to involve numerous pretrial motions raising difficult or novel legal issues that will be time consuming to resolve, management of a large number of witnesses or a substantial amount of documentary evidence, management of a large number of separately represented parties, or the trial of the case will take more than 2 days. An action is presumptively a complex case if it involves one or more of the following types of claims: medical malpractice, con-

struction defect claims involving many parties; claims for wrongful death; or, insurance coverage claims arising out of any of the claims listed above.

Plaintiff/Defendant shall furnish the prothonotary with a copy of the cover sheet(s) and supplement, if any, for the court administrator.

#### **Rule L206.4(c). Petition Procedure: Issuance of a Rule to Show Cause.**

(1) Filing:

(a) All petitions shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. Nos. 204.1, 206.1 and Rule L205.2(a).

(b) Scope: As used in this rule, "petition" means any application to open a default judgment or a judgment of non pros.

(c) The issuance of a Rule to Show Cause upon presentation of a petition shall be discretionary. A petitioner seeking the issuance of a Rule to Show Cause shall attach to the petition a proposed order in the form prescribed in Pa.R.C.P. No. 206.5(d). The court in its discretion may delete paragraphs (4) and (5) of the form order (regarding discovery and argument) and provide instead that the matter will proceed before the court on an evidentiary hearing to resolve disputed issues of fact. The court may also enter an order to require the filing of briefs or to authorize discovery to proceed other than by deposition.

(d) Petitions should not be filed with the court administrator. All petitions shall be filed with the prothonotary. Courtesy copies for the court are not required. Petitions should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(e) The court will take no action until a petition has been filed of record, except in unusual circumstances.

(f) In the event a Rule to Show Cause is not issued, the court shall issue an appropriate order directing the respondent to file an answer to the petition and the petition will be decided under Pa.R.C.P. No. 206.7.

(2) The petition seeking the issuance of a Rule to Show Cause shall be supported with an appropriate statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the petition; or, in a routine petition that does not raise complex legal or factual issues, in the body of the petition itself.

(3) Any request for stay of execution pending disposition of a petition to open judgment shall be filed by separate motion.

(4) The petition and any motion seeking a stay of execution shall be scheduled for argument or hearing by the court administrator and it is not necessary for the moving party to request hearing or argument.

#### **Comment**

See Pa.R.C.P. No. 210 and L210 for the form of a brief or memorandum of law. See also Rule L303.1 and the Explanatory Comment that follows.

A petition for relief from a judgment by confession is governed by Pa.R.C.P. No. 2959.

A petition to open or strike a judgment is governed by Rule L315.

A petition to compromise, settle, or discontinue an action in which a minor has an interest under Pa.R.C.P. No. 2039 is governed by Rule L2039.1.

A petition to compromise, settle, or discontinue an action in which an incapacitated person has an interest under Pa.R.C.P. No. 2064 is governed by Rule L2064.1.

A petition to compromise, settle, or discontinue a wrongful death or survival action in which a minor or incapacitated person has an interest under Pa.R.C.P. No. 2206 is governed by Rule L2206.1.

Except as otherwise provided by the Pennsylvania Rules of Civil Procedure or by statute, all other applications for relief shall be in the form of a motion and shall be governed by Rule L208.3(a).

#### **Rule L208.2(c). Statement of Authority.**

All motions, except motions for continuances, shall be supported by a statement of authority citing a statute, rule of court or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the motion; or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

#### **Comment**

See Pa.R.C.P. No. 210 and Rule L210 for the form of a brief or memorandum of law. See also Rule L303.1 and the Explanatory Comment that follows.

#### **Rule L208.2(d). Certification of Position: Motions.**

Prior to submitting any motion, the movant or his/her counsel shall confer with all counsel of record and any unrepresented parties to determine their position with respect to the motion. The movant or his/her counsel shall include in or attach to his/her motion a certification that the movant or his/her counsel has conferred, or attempted to confer, with all interested parties to ascertain their position on the motion (contested, uncontested or no position). The ascertained position shall be indicated in the certification.

#### **Rule L208.2(e). Discovery Motions.**

A motion relating to discovery shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

#### **Rule L208.3(a). Motion Procedure: Scheduling and Argument.**

##### **(1) Filing and Scheduling:**

(a) All motions shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. Nos. 204.1, 208.2 and Rule L205.2(a) and shall be accompanied by a proposed order.

(b) Scope: As used in this rule, "motion" means any application to the court made in any civil action or proceeding except as provided by subdivision (b)(1) and (2) of Pa.R.C.P. No. 208.1.

(c)(i) Motions should not be filed with the court administrator. All motions shall be filed with the prothonotary. Courtesy copies for the court are not required.

(c)(ii) Motions should not be filed in duplicate or by facsimile transmission, except in emergency circumstances. The prothonotary shall immediately forward emergency and continuance motions to the court administrator. Continuances will be granted only in accordance with the court's continuance policy (See memorandum of November 16, 1993) available on the court's

website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx). See also Pa.R.C.P. No. 216. No such request will be granted unless good cause is shown.

(c)(iii) Every motion shall contain the certification required by Rule L208.2(d).

(d) The court will take no action until a motion has been filed of record, except in unusual circumstances.

(e) Unless the motion is certified as uncontested, the court shall provide the opportunity for argument either by written briefs or orally in open court. If oral argument is held, the court, in its discretion, may decide the matter at argument or take the matter under advisement. The court may deny the moving party's request for relief, without argument, when the motion is procedurally defective, is untimely filed or fails to set forth adequate grounds for relief. If an order is entered without oral argument, the court shall hear oral argument on an application by any party for reconsideration of such order. The application for reconsideration shall be filed within 10 days after the filing of the decision.

(f) No oral testimony shall be heard at the time of argument except by direction of the court.

(2)(a) Appearance by Advanced Communication Technology: The court, in its discretion, may permit any party to appear by telephone or by a system providing two-way simultaneous audio-visual communication. Any party wanting to participate in any argument or hearing utilizing advanced communication technology shall file a written request with the judge presiding over the matter not later than the 5th day preceding the argument or hearing unless good cause can be shown for the request's late filing. Every request to appear by advanced communication technology shall contain the certification required by Rule L208.2(d). The party or parties appearing utilizing advanced communication technology shall bear the cost thereof, unless the court provides otherwise. Notwithstanding, any Judge of this court may adopt an alternate procedure governing appearances utilizing advanced communication technology.

(b) If a party choosing to appear utilizing advanced communication technology fails to call the court or is unavailable when called to participate in the call with the court, the court may pass the matter or may treat the failure to call or participate as a failure to appear.

(3) Transcripts: The moving party in all post-trial or post-hearing motions or petitions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

#### **Comment**

All motions, upon filing, except motions for continuances and to appear by advanced communication technology, must be supported by a statement of authority citing a statute, rule of court or case law in support of the requested relief. See Rules L208.2(c) and L303.1. A motion decided on the papers filed of record or on such briefs or memorandums of law as may be filed by the parties will normally be decided within 30 days of the date on which the response to the motion is filed. Motions certified as uncontested will normally be decided within a few days after the motion is filed. See Rule L208.2(d). A motion on which oral argument is held will normally not be decided for 90—120 days after the motion is filed. Notwithstanding, any party or a party's attorney has the right to appear before a Judge of this court and argue any motion. See Pa.R.C.P. No. 211.

EXCEPT FOR THE ACTIONS OR PROCEEDINGS DESCRIBED IN PA.R.C.P. NO. 208.1(b)(1) AND THE MATTERS DESCRIBED IN PA.R.C.P. NO. 208.1(b)(2) EVERY APPLICATION REQUESTING A JUDGE TO ENTER AN ORDER OF COURT IS GOVERNED BY THE MOTION RULES PA.R.C.P. NOS. 208.1—208.4 AND L208.2(c)—208.3(a). IT DOES NOT MATTER WHETHER THE MOVING PARTY REFERS TO THE APPLICATION AS A “PETITION,” AS A “MOTION,” OR EVEN AS AN “APPLICATION.” THE MOTION RULES 208.1—208.4 APPLY.

For example, Pa.R.C.P. No. 3279(a), governing deficiency judgments, provides that the proceeding shall be commenced “by filing a petition” and Pa.R.C.P. Nos. 2301 et seq., governing interpleader by defendants, permit the commencement of the proceeding upon “petition” of a defendant and sets forth what the “petition for interpleader” shall allege. These proceedings are not governed by the rules governing petitions (General and Rules 206.1 et seq.) because the term petition, as used in these rules, is defined to cover only an application to open a default judgment or judgment of non pros. Every other application, even if described as a petition in other rules comes within Rule 208.1(a)’s definition of motion.

**Rule 208.3(b). Motion Procedure: When Response Required.**

A response along with a supporting brief or memorandum of law shall be filed by any party opposing a motion governed by Rule L208.3(a) within 20 days after service of the motion unless the time for filing the response is modified by court order or a Pennsylvania Rule of Court. If a response is not filed as provided above, the court may treat the motion as uncontested.

**Comment**

A response shall be filed by any party opposing a motion governed by Rule 208.3(a) even if there are no disputed facts because the response is the opposing party’s method of indicating opposition.

Rules L210 and L303.1 govern the form of briefs and memorandums of law.

**Rule L210. Form of Briefs and Memorandums of Law.**

(a) Briefs and Memorandums of Law shall be typewritten using a 12 pt font or greater, double spaced (except for quotations) on paper 8-1/2 inches by 11 inches in size, shall be bound at the top, not at the side, and shall contain:

- (1) A history of the case.
  - (2) A statement of the question or questions involved.
  - (3) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
  - (4) An argument with citation of the authority relied upon.
  - (5) A short conclusion stating the precise relief sought.
- (b) The argument shall be divided into as many parts as there are questions involved
- (c) Memorandums of Law need not contain a history of the case.
- (d) The brief of the responding party need only contain the argument and conclusion, but the responding party may add a counter history of the case.

(e) Briefs shall not exceed 20 pages in length without prior court approval. Memorandums of Law shall not exceed 10 pages.

(f) All briefs and memorandums of law shall be filed with the prothonotary. A courtesy copy of the brief or memorandum of law is not required.

**Comment**

Please see the Explanatory Comment following Rule L303.1 regarding the court’s request that counsel provide copies of out of jurisdiction cases and other not readily available source material.

**Rule L212.1. Pre-Trial Procedure.**

(a) This rule shall apply to all civil actions, both jury and non-jury, with the exception of cases covered by Rule L1301.2, appeals from compulsory arbitration and actions in divorce under 23 Pa. C.S.A. § 3301, subsections (a), (b) and (d) of the Divorce Code, actions of annulment, and other issues permitted by law relating to the termination or validity of marriages.

(b) The parties shall complete discovery within 210 days from the filing of the complaint. Discovery will not be permitted after the 210 day period except by order of court upon good cause shown.

(c) In those cases where it is apparent that extensive discovery will be required or when the pleadings have not closed within 60 days from the filing of the complaint, the court will hold a status/case management conference to establish an alternative discovery timetable.

(d) All parties shall file with the court administrator on or before the 180th day from the filing of the complaint a status report showing:

- (i) whether or not discovery has been completed;
- (ii) if discovery has not been completed, why discovery has not been completed;
- (iii) the date by which the party reasonably believes discovery will be complete;
- (iv) whether or not experts have been engaged;
- (v) if experts have been engaged whether or not the case can proceed in the manner proscribed in subparagraphs (4) and (5) of this rule and, if not, the date by which the parties reasonably believe the exchange of expert reports will be complete;
- (vi) what unusual questions of law are anticipated with respect to issues in the case supported with a statement of authority supporting the position taken with respect to such unusual questions of law; and
- (vii) the settlement status of the case.

(2) No fee shall be charged for the filing of the report required by this rule.

(3) If a party shall fail to file the report required by this rule the court administrator shall schedule a status conference.

(4) The court administrator shall design and publish the status report. The latest version of the form shall be available from the court administrator and on the court’s website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx).

(e) The Plaintiff’s expert report(s) shall be served on the defendant within 60 days from the close of discovery except medical reports which shall be provided to opposing counsel within 30 days of the examination. See Rule L4010.



(f) The Defendant's expert report(s) shall be served on the Plaintiff within 30 days of service of Plaintiff's expert's report(s) except medical report(s) which shall be provided to opposing counsel within 30 days of the examination. See Rule L4010.

(g) The parties shall file all dispositive motions within 120 days of the close of discovery.

(h) All motions will be decided under Rule L208.3(a) and the case listed for trial pursuant to Rule L308.1 or arbitration pursuant to Rule L1303.1(a)(1).

(i)(1) If the case is not listed for trial by one or more of the parties within 30 days of the court's final ruling on all dispositive motions the court administrator may place the case on the trial list, notify the parties of the earliest date on which the case may be tried and schedule a pre-trial conference. The filing fee shall be charged to the Plaintiff.

(2) If the case is arbitrable under Rule L1301.1 and not listed for arbitration by one or more of the parties within 30 days of the court's final ruling on all dispositive motions the court may list the case for arbitration pursuant to Rule L1303.1(a)(2)(i). The filing fee shall be charged to the Plaintiff.

(j) If before the close of discovery counsel agree on a schedule for disposition of the case which substantially meets the requirements contained in this rule, and submit the agreement to the court as a proposed order the court shall adopt the proposed order as an order of court or direct the parties to attend a case management conference.

(k) If matters arise at any time during the discovery period or thereafter which counsel reasonably believes has or will prejudice their case or has or will cause counsel to fall out of compliance with this rule, counsel shall request a status conference.

(l) At any time, the court may, in its discretion, direct the parties to attend a status conference, attend a case management conference, modify the above timetable, refer the case to mediation, list a case for arbitration, direct a case be listed for trial, or otherwise intervene to expedite the litigation.

(m) If at any time the case is referred to mediation under Rule L1341 the above timetable shall be stayed pending the conclusion of the mediation.

#### **Explanatory Comment**

It is the intention of this rule to have a case trial ready and listed for pre-trial conference within 12 months from the filing of the complaint. The time standards for general civil matters is: all non-jury cases should be tried or otherwise disposed of within 12 months/360 days after initial filing and all jury cases should be tried or otherwise disposed of within 18 months/540 days after initial filing. It is contemplated that there will be instances when a shorter or longer timetable will be indicated. In these instances the court will enter an appropriate order pursuant to subsection (11) of this rule.

#### **Rule L212.2. Pre-Trial Statement.**

(a) Three days prior to the date scheduled for the pre-trial conference each party shall submit to the court and to other counsel of record a pre-trial statement containing those items set forth in Pa.R.C.P. No. 212.2.

(b) If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference of the necessity or desirability of using a witness, an exhibit, a hypothetical question, plot or plan, he shall forthwith provide the court and other counsel with the same

information with respect to such witness, exhibit, hypothetical question, plot or plan as is required on the pre-trial statement set forth in Pa.R.C.P. No. 212.2. Failure to provide such information shall not be compliance with this subsection, and may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plot or plan at trial.

#### **Rule L212.3. Pre-Trial Conference.**

(a) For purposes of this rule, "pre-trial" shall mean a type of conference described in Pa.R.C.P. No. 212.3.

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court. Pre-trial conferences are extended to all actions not subject to arbitration under Rule L1301.

(c) Any application for continuance of the conference shall be by motion addressed to the court.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions and must have full settlement authority. If counsel does not have such authority then the person or corporation having the actual interest in the case, whether as a party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

(e) The Court may impose appropriate sanctions upon a party for failure to abide by any rule pertaining to pre-trial statements or pre-trial conferences.

#### **Rule L225. Addresses and Summing Up.**

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order of their appearing in the pleadings. Any party may reserve his opening address until immediately before presenting his evidence.

(b) After the close of the testimony, each party or group of parties shall have the right of final address or argument in inverse order to the order of opening addresses, unless otherwise ordered by the court.

(c) Counsel shall not consume more than thirty minutes in either the opening address or the summing up address, except by special allowance.

#### **Rule L226. Pre-Trial Matters, Points for Charge.**

(a) Before the beginning of any jury trial counsel shall present to the court a concise memorandum of the applicable law and requested points for charge. Requested points for charge shall be exchanged by counsel at the close of evidence.

(b) All requested points for charge shall contain a citation of authority.

(c) In so far as possible, all exhibits shall be marked for identification before the beginning of trial.

#### **Rule L227.1. Post-Trial Conferences.**

In every case in which a Motion for Post-Trial Relief has been filed, the court may schedule a post-trial conference to be held as soon as the business of the court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before the court on said motion and the extent of the trial record which will need to be transcribed.

#### **MISCELLANEOUS COURT MATTERS**

The Pennsylvania Rules of Civil Procedure do not specifically deal with the matters covered by Rules L300

through L507 and, therefore, there are no Pennsylvania Rules of Civil Procedure corresponding to Rules L300 through L507.

#### **Rule L300. Service Requirements of All Papers.**

Unless otherwise provided by an Act of Assembly or Rule of court, a copy of each paper filed in any case, other than the writ, complaint, or other process by which an action is commenced, shall be served by the party filing it promptly upon all other parties to the litigation or their attorneys of record. The manner of service shall be in conformity with Pa.R.C.P. No. 440. No matter shall be considered by the court unless there has been filed either a proof of service, acceptance of service or certificate of service.

#### **Rule L301. Copies of Writings.**

Whenever a copy of a writing is attached to a pleading, brief or other paper submitted to the court, such copy shall be clearly legible and faithfully represent the original in every respect, and unless the original itself is not legible the court may require a substitute copy to be made and filed before the pleading, brief or other paper will be considered by the court.

#### **Rule L302. Reserved.**

#### **Rule L303. Matters for Argument.**

(a) Upon the filing of any motion, petition, exceptions, or the like, requiring legal argument or a hearing, not otherwise covered by these Rules, an administrative order or a rule of Pennsylvania civil procedure, the court shall enter an appropriate order that sets forth the procedures the court will use for deciding the motion, petition or exceptions which may include, inter alia, one or more of the following: the filing of an answer, the filing of briefs, the conduct of discovery, and the issuance of a Rule to Show Cause.

(b) The court may provide in the order for disposition upon briefs rather than oral argument.

(c) Notice of the entry of the order shall be provided to all parties by the moving party.

#### **Rule L303.1. Supporting Brief or Memorandum of Law.**

All motions, responses, exceptions, preliminary objections, and petitions, upon filing, must be supported by a brief or memorandum of law in support thereof. If not so supported, then the motion, responses, exceptions, objections or petition shall be summarily disposed of, unless counsel promptly requests permission for good cause to file the required brief or memorandum of law at a later date.

This rule shall not apply to exceptions taken to the recommendation of the Family Law Master or Permanent Hearing Officer.

#### **Explanatory Comment**

It is not the intention of this rule to require "full blown" briefs on simple or routine issues. The extent of briefs or memorandums of law submitted in support of the pleading should be in proportion to the complexity of the issue which the pleading raises.

Consequently, a complicated motion, such as a motion for summary judgment, should be supported by a brief or memorandum of law which fully discusses the facts and the applicable law. See Pa.R.C.P. No. 210 and Rule L210 for the form of briefs or memorandums of law.

A routine motion or a motion presenting uncomplicated issues may be supported by a recitation of fact or authority in the motion itself or in a cover letter. In those situations, all that is required is a citation to the appropriate rule, statute or case law which establishes that the movant is entitled to the relief requested and that the court has the power to grant it. A clean copy of the case or cases that clearly support the proposition and which the court is being asked to rely on in making its decision may be attached to the motion itself. Examples: A motion for a continuance shall cite Pa.R.C.P. No. 216. A motion for sanctions for failure to serve answers to written interrogatories under Pa.R.C.P. No. 4005 shall cite Pa. R.C.P.C.P. No. 4019 (a)(1)(i) and Pa. R.C.P. No. 4019(c).

Counsel are requested to include with their brief or memorandum of law a separate appendix that contains a clean copy of any source material that the court is being asked to rely on in making its decision that comes from a jurisdiction other than Pennsylvania (cases, rulings, etc.) or to which the court does not have convenient access (treatises, law review articles, etc.) The appendix will not be made part of the record. Do not make reference to the appendix in your brief or memorandum of law.

#### **Rule L304. Motions and Petitions.**

(a) Motions and petitions shall be filed with the prothonotary or clerk of the Orphans Court for presentation to the court.

(b) Except for emergency matters and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the court unless prior notice of its presentation has been given to opposing counsel of record.

#### **Rule L305. Motions: Post-Trial and Post-Hearing.**

The moving party in all post-trial and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such part thereof as the moving party desires to have transcribed for the purposes of such motion.

#### **Rule L306. Notice.**

(a) All notices shall be in writing.

(b) Except as otherwise provided by Act of Assembly, rule or special order of court, whenever any process, paper or notice is required to be served upon a party, such service shall be made in accordance with the procedure set forth in Pa.R.C.P. Nos. 400—441; if service is to be made by publication, then service shall be made as provided by Rule L430.

#### **Rule L307. Prothonotary.**

(a) The prothonotary shall immediately endorse all papers filed with the date of such filing, and shall enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case.

(b) The prothonotary shall be responsible for the safe keeping of all records and papers belonging in her office. No paper may be taken from the files of the prothonotary without the consent of the prothonotary or one authorized by the prothonotary to give such consent. A record shall be made of any paper removed from the prothonotary's office and the person who receipts for such paper shall be responsible for return of the same and for any financial loss occasioned by failure to return the paper.

(c) Only the prothonotary, his/her clerks, attorneys registered in McKean County and such other persons as

the prothonotary shall specially authorize shall be permitted direct access to the prothonotary's files.

(d) No entries shall be made in any prothonotary's docket except at the direction of the prothonotary or by order of court.

**Rule L308. Listing Cases for Trial.**

(a) Jury and non-jury trials: Trials will be held at such times and on such dates as shall be established by the court.

(b) To place a case on the trial list, one or more of the parties in the case or their counsel shall proceed as herein provided.

(1) File a Praeceptum to List for Trial that shall substantially conform to the form shown below and serve the praecipe on all other parties and if they be represented by counsel on their counsel. The praecipe shall contain a certification by the listing party or counsel that: the pleadings are closed; there are no outstanding motions; all pretrial discovery is completed; if a jury trial has or has not been demanded; an estimate of time required for the trial; all counsel of record and self represented litigants agree that the matter is presently ready for trial and that they do not object to its listing.

(2) By motion that shall substantially conform to the form shown below showing that all counsel and unrepresented parties do not agree that the case is presently ready for trial, and requesting that the court

order the case to trial. The court shall then promptly schedule a hearing to consider the matter.

(c) The prothonotary shall upon receipt of the praecipe or court order place the case upon the prothonotary's Active Trial List and shall not less frequently than monthly forward to the court administrator an updated trial list reflecting all new cases listed for trial, settlements, continuances, discontinuances or other dispositions of cases.

(d) In no event shall any matter proceed to jury selection or shall trial dates be reserved unless the pleadings are closed, discovery is completed, and there is no other impediment to the immediate trial of the case, unless the court orders otherwise for good cause.

(e) Pre-Trial Conference: The court administrator shall schedule a pre-trial conference on every case added to the trial list since the date of the last update. Said conference shall be held in the manner provided by Rule L212.3. At the pre-trial conference a date will be reserved for the trial and jury selection if there is to be a jury trial.

(f) Continuances: Once a case has been given a trial date continuances will not be granted except for extraordinary reasons. When a continuance is granted the court may impose on the party making the application the reasonable costs actually incurred by the opposing party which would not have been incurred if the application had not been made.

Form—Praeceptum to List for Trial

_____	Plaintiff	: IN THE COURT OF COMMON PLEAS OF
vs.		: McKean County, Pennsylvania
_____	Defendant	: CIVIL DIVISION - _____
		: _____ Medical Professional Liability Action
		: NO. _____

**PRAECIPE TO LIST FOR TRIAL**

To the Prothonotary:

As listing counsel, pursuant to Rule 308, I hereby certify:

1. The pleadings are closed.
2. There are no outstanding motions.
3. All discovery is completed.
4. A jury trial \_\_\_\_\_ has \_\_\_\_\_ has not been demanded.
5. Preliminary estimate of time required for trial. \_\_\_\_\_ days \_\_\_\_\_ hours \_\_\_\_\_ minutes
6. All counsel of record and unrepresented parties have been contacted and agree that this matter is presently ready for trial and that they do not object to its listing.
7. A copy of this praecipe has been served on all counsel of record and unrepresented parties in the following manner:

Respectfully Submitted,

\_\_\_\_\_  
[Print Name]

Date: \_\_\_\_\_

Counsel for \_\_\_\_\_  
[Strike if not Applicable]

## Form—Motion to Place Case on Trial List

\_\_\_\_\_  
Plaintiff  
vs.  
\_\_\_\_\_  
Defendant

: IN THE COURT OF COMMON PLEAS OF  
: McKEAN COUNTY, PENNSYLVANIA  
: CIVIL DIVISION - \_\_\_\_\_  
: \_\_\_\_ Medical Professional Liability Action  
: NO. \_\_\_\_\_

**MOTION TO PLACE CASE ON TRIAL LIST**

COMES NOW, \_\_\_\_\_ plaintiff/defendant (circle one) or \_\_\_\_\_ counsel for \_\_\_\_\_, and requests that the court place the above captioned matter on the trial list, pursuant to Rule L308(b)(2).

The undersigned has contacted all counsel of record and unrepresented parties and all parties do not agree that the matter is presently ready for trial.

Proof of Service is attached.

Respectfully Submitted,

\_\_\_\_\_  
[Print Name]  
\_\_\_\_\_

Date: \_\_\_\_\_

Counsel for \_\_\_\_\_  
[Strike if not Applicable]  
\_\_\_\_\_

**Rule L309. Manner of Scheduling Equity Cases.**

Any party to a cause of action in equity who desires that the case be advanced for early trial listing may request by motion that the case be given priority trial status (1) after the pleadings are closed (2) after 60 days from the filing of the complaint or (3) at any time with the consent of all other parties to the action. Upon receipt of such request the prothonotary shall forthwith transmit the record papers to the court administrator who shall then schedule the case for pretrial conference and trial as soon as the business of the court permits.

**Rule L310. Court Calendar.**

At the beginning of each calendar year, the court shall prepare a court calendar for the current year which shall have the effect of a rule of court establishing the times that the matters set forth in the court calendar shall be heard.

**Rule L311. Security For Costs.**

(a) The defendant or any interested party may petition the court to require the plaintiff who resides out of state, or who is in bankruptcy, or has insolvency proceedings pending against him, to file security for costs.

(b) The court, by special order upon cause shown, may require a plaintiff or a defendant who seeks affirmative relief to enter security for costs.

(c) The claimant in a sheriff's interpleader issue shall be construed to be a plaintiff within the meaning of this rule.

(d) In default of security entered at the time fixed by the court, judgment of default or other appropriate court order may be made in favor of the party obtaining the order.

**Rule L312. Bills of Costs.**

(a) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his agent or attorney that the witnesses named were actually present in court, and

that, in his opinion, they were material witnesses. A copy of the bill shall be served on opposing counsel.

(b) The party upon whom a bill of costs has been served may, within 10 days after such service, file exception thereto, and the issue shall be determined by the court. Failure to file exception within 10 days shall be deemed a waiver of all objections.

**Rule L313. Default Judgments.**

(a) Whenever a judgment for money is taken by default and the party in whose favor the judgment is entered has filed an instrument or copy thereof, upon which the amount of the judgment is based and a calculation of the judgment is submitted, the prothonotary shall enter the judgment for the amount shown to be due upon the face of the instrument.

(b) If a default judgment cannot be made certain by computation, Pa.R.C.P. No. 1037 shall apply.

(c) In all cases in which a party to an action has appeared but subsequently defaults, before any decree or judgment shall be entered, the opposing party shall file an affidavit stating that the defaulting party is not in military service of the United States, or if the information is not available, the affidavit shall state what efforts have been made to obtain facts.

**Comment**

Subparagraph (c) of this rule is mandated by the "Service Members Civil Relief Act," Title 50 App. U.S.C. Section 501 et seq.

**Rule L314. Judgment on Verdict.**

Judgment shall not be entered on a verdict within the time allowed for motions for judgment n.o.v., for new trial, or for arrest of judgment, nor until the party obtaining the verdict shall have paid the prothonotary the required jury fee as provided by law.

**Rule L315. Striking or Opening Judgments Other Than Confessed Judgments Covered by Pa.R.C.P. 2959.**

The pleadings and procedure for relief from judgments, other than confessed judgments, shall be the same as the



pleadings and procedure for relief set forth in Pa.R.C.P. No. 2959 and Pa.R.C.P. No. 2960 for confessed judgments.

**Rule L316. Judgment by Agreement.**

Except in actions to which a minor or an incompetent is a party and in actions for wrongful death in which a minor or incompetent has an interest, verdicts and nonsuits, and judgments by agreement may be entered at any time but only upon written stipulation signed by the parties or by their counsel of record and filed in the case.

**Rule L317. Judgments: Re-Indexing.**

Judgments entered on confession may be subsequently re-indexed against any defendant under any alias name upon the plaintiff's attorney filing a praecipe therefore supported by an affidavit that such alias defendant is the same person against whom the judgment was originally entered and indexed. The subsequent re-indexing shall be noted on the docket of the original number and term and shall be re-indexed on a separate line in the judgment index, clearly showing the date of such re-indexing.

**Rule L318. General Pleading Form.**

Except as otherwise provided by statute, or rule of court, pleadings in all actions shall, as nearly as possible, conform to the rules relating to civil actions law.

**Rule L319. Reserved.**

**Rule L320. Retention of Notes and Digital Recordings Made by a Court Reporter or Monitor.**

(a) In all cases other than criminal cases, the court administrator is authorized to direct the destruction of notes and digital recordings made by a court reporter or monitor at any time after 7 years from the date when such notes were taken or digital recordings made.

(b) In any case in which the court reporter or monitor has transcribed from notes taken or digital recordings made and such transcription has been approved by the court and filed. The court reporter or monitor may destroy any such notes or digital recordings any time 90 days from the date of filing of the transcription.

(c) Any party may petition the court for an order directing the retention of particular notes or digital recordings of the court reporter or monitor for a period of time beyond that required herein.

**Rule L430. Service, Petitions, Rules, Orders and Notices—Publication.**

(a) If a defendant is dead or his identity or whereabouts is unknown and the plaintiff moves the court pursuant to Pa.R.C.P. No. 430 for a special order directing service on the defendant by publication, the plaintiff shall attach to his/her motion an affidavit that shall state:

(1) that at least four (4) of the following have been attempted: (i) sheriff service to all known addresses; (ii) inquiry of relatives, neighbors, friends and employers of defendants (3 of 4); (iii) examination of local phone directories, local tax records and voter registration records (2 of 3); (iv) inquiry of postal authority including inquiry pursuant to the Freedom of Information Act, 39 C.F.R. Part 265; (v) examination of motor vehicle records (PENN DOT Form DL-503); (vi) any other method that would reasonably lead to service on the defendant.

(2) In an action involving title to, interest in, or possession of real property including title to or interest in oil, gas and minerals:

(i) that he/she has caused to be examined the records in the offices of the Register and Recorder to ascertain

the date of death of the defendant, whether he or she died testate or intestate, the names and addresses of all the defendant's heirs, legatees or devisees, and whether or not there has been any adverse conveyance or distribution of the property that is the subject of the suit.

(ii) that he/she has contacted all individuals who are currently living in the vicinity of the subject property who may have or may know someone who does or may have an interest in the subject property, informed them of the pending action and have ascertained with their assistance the names of any other parties who may have an interest in the subject property.

(iii) that in the case of a corporation that has been dissolved, he/she has caused the records in the offices of the Register and Recorder to be examined to ascertain whether or not there has been an adverse conveyance or distribution of the real estate that is the subject of the suit.

(b) Whenever service by publication is authorized by law or rule of court and the manner of publication is not otherwise specified, such service shall be made by publication for two consecutive weeks in a newspaper of general circulation within McKean County. No further action can be taken until 20 days after the last publication. Proof of publication shall be filed in the prothonotary's office.

**Comment**

See Pa.R.C.P. No. 430(b)(1) for the form of the notice.

**Rule L500. Auditors and Auditor's Reports.**

(a) Auditors shall be members of the bar.

(b) Auditors' hearings shall be held at the courthouse and testimony taken either by a court stenographer or by a stenographer to be agreed upon by the parties in interest.

(c) Auditors shall give public notice of the time and place of hearings before them, by advertisement once a week for 2 successive weeks in a newspaper of general circulation of McKean County, stating therein that all persons must prove their claims before them or be debarred from coming upon the fund. In addition thereto, auditors shall obtain from the assignors or debtors, a list of their creditors, and, if the proceeds of the sale of real estate are to be distributed, searches for liens and encumbrances, and award distribution accordingly, unless objections be made, in which event those whose claims are objected to shall be notified to prove their claims or be debarred from coming in upon the fund.

(d) Any person desiring an issue to be granted shall present his petition to the auditor within 48 hours after the testimony in relation to the matter in dispute is closed, setting forth under oath or affirmation that material facts are in dispute and the nature and character thereof; and it shall be the duty of the auditor forthwith to make report thereof to the court for its action.

(e) The auditor shall not file his report until 10 days after he has notified all the parties who appeared before him that it is subject to their inspection, and that it will be filed on a given date, unless written exceptions are filed with him before that time. If exceptions are filed, he shall re-examine the subject and amend his report, if, in his opinion, the exceptions are in whole or in part, well founded.

(f) The argument before the court shall be confined to the exceptions filed with the auditor; the court will, however, recommit the report if of the opinion that justice requires it.

(g) If no exceptions are filed with the auditor, the report, on motion, will be confirmed by the court.

(h) When facts are controverted before the auditor, he shall report the same as proved, in a concise or digested form and shall also state concisely the questions of law raised before him and his decisions thereon, with his reasons therefore, and when distribution is made, a distinct account or schedule of the liens on the funds, paid and unpaid, in a form convenient for review shall be made out and presented with the report showing precisely the disposition made of the funds. The testimony, documentary or otherwise shall be returned separately and filed with the report.

(i) The auditor shall file his completed report with the prothonotary, who shall mark it confirmed nisi, which confirmation shall become absolute, without further order, if no objection thereto is made within 10 days. If objection to the report is made, it shall be treated as renewal of the exceptions filed by the party with the auditor; and in this case or if exceptions are filed with the prothonotary within this ten day period, the prothonotary shall enter the case on the argument list to be taken up in due course.

(j) Upon motion made by a party interested, of misconduct or unreasonable delay on the part of any auditor, the court may either vacate his appointment or grant a rule on him to show cause why he should not proceed forthwith in the duties of his appointment; and in case of contempt, may punish him by fine or attachment.

#### **Rule L501. Distribution.**

(a) Whenever the aid of the court is desired in the distribution of money in court or in the hands of any collecting officer of the court, the party asking its interposition shall present to the court a written statement of the facts, showing its necessity or propriety, and thereupon the court may appoint an auditor to report the facts and make distribution or make such other order as may seem best calculated to bring the matter to a speedy close.

(b) The court may, on motion and upon satisfactory evidence, decree distribution of any portion of the fund in court, not included in any controversy, before or during the pendency of the audit, and order such portions of the fund that is being audited to be deposited or invested during the controversy.

(c) Duplicate receipts shall be given for all moneys paid in pursuance of such distribution, one of which shall be filed in the case and the other upon the original lien docket.

#### **Rule L502. Receivers and Assignees for Creditors.**

(a) Assignees for the benefit of creditors and receivers shall, after they have entered security, give notice of their appointment, to every creditor and party in interest of whom they have knowledge, and shall also publish notice thereon once a week for two successive weeks in a newspaper of general circulation published in McKean County.

(b) The assignee shall file with the account a petition for distribution in form similar to that of petitions for distribution required by the Orphans' Court Division of this county and all such accounts and petitions for distribution shall be filed in the office of the prothonotary.

(c) The assignee shall give written notice of the filing of the account, the petition for distribution and of the call for the audit or confirmation thereof to all parties inter-

ested. Such notice shall be given by mailing the same to the last known address of the one entitled to receive the same, at least three weeks before the presentation of the account to the court, and shall also be published by the prothonotary for two successive weeks in one newspaper of general circulation published in McKean County.

(d) Any such account filed for audit and confirmation shall be audited preliminarily by the prothonotary and then presented to the court, together with the proofs of publication and proof of the giving of the required notice to interested parties at the time fixed for the audit or confirmation thereof; and if no exceptions have been filed, the account may be confirmed absolutely.

#### **Rule L503. Sheriff.**

[Intentionally Omitted]

#### **Rule L504. Limitations on Bail and Security.**

Neither the prothonotary, nor his deputy, nor the sheriff or sheriff's deputy or clerk, shall be admitted as bail or surety in any action, civil or criminal unless by leave of the court for special reasons shown.

#### **Rule L506. Money Paid Into Court.**

(a) A party to an action may, upon motion and such notice to the adverse party as the court may direct, pay into court the amount admitted to be due, together with costs, if any. The party entitled to the money may accept the money and settle and discontinue the action or may refuse the money and proceed with the action. If the adverse party shall not recover more than the amount paid into court, all additional costs shall be deducted from the money. This tender into court shall in no way alter the rights of the parties as to legal tender made before suit.

(b) Parties wishing to extinguish liens upon real estate in which they have an interest may, on motion and such notice to the creditor as the court may direct, pay into court the amount due and have satisfaction entered upon the lien.

(c) Upon payment of money into court the same shall be deposited by the prothonotary in an account in the name of the prothonotary kept for such purposes or into an account agreed to by the parties in writing, and shall be payable only by a check signed by the prothonotary pursuant to order of court. Such interest as accrues shall enure to the benefit of those entitled to the principal. In creating any account hereunder, the prothonotary shall use the social security number or employer identification number of the person or entity entitled to such interest.

#### **Comment**

When money is paid into court the prothonotary is required to collect poundage for the handling of the money. See 42 P. S. § 21071.

#### **Rule L507. Deputy Constables.**

Petitions for approval of the appointment or revocation of the appointment of deputy constables shall set forth the following facts:

(a) The act of assembly authorizing the appointment.

(b) Name and address of the petitioner.

(c) The name of the municipality or district in which petitioner was elected.

(d) The date of commencement and expiration of the term of office of the petitioner.

(e) The name and full address of the surety on petitioner's bond and an averment that the surety has had notice of the petition, to be evidenced by the written joinder of the surety in the prayer of the petitioner.

(f) The name and full address of the person to be appointed deputy constable, or whose appointment is to be revoked, and an averment that the person to be appointed is of good repute and has not been convicted of a felony or misdemeanor.

(g) A full statement of the necessity, facts and reasons for making or revoking the appointment.

(h) If any security of any kind is given or to be given by the petitioner or his surety, then the nature, character, and extent shall be fully set forth or, in lieu thereof, an averment that no security is being given.

#### CIVIL ACTION—LAW

##### Rule L1012. Entry of Written Appearance.

All appearances shall be entered in writing by praecipe filed and where there are several plaintiffs or defendants, an appearance will be deemed for all unless expressly restricted.

#### Explanatory Comment

While the Pennsylvania Rules of Civil Procedure do not require an attorney to enter a written appearance, please

be advised that it is the custom and practice in McKean County that an attorney do so and that failure to do so may result in notices of scheduled events being sent to your clients instead of you. Notwithstanding, the first pleading filed by an attorney on behalf of a party shall constitute the attorney's entry of appearance for that party. Further, if you have not entered a written appearance or have not filed a pleading and appear on behalf of any party in any proceeding the court will deem that you have entered your appearance generally in the case unless you inform the court otherwise at the commencement of the proceeding.

Withdrawal of appearances shall be made in accordance with Pa.R.C.P. No.1012 and the procedure outlined in the court's memorandum of May 1, 2007 available on the court's website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx).

##### Rule L1018.1. Notice to Defend.

The party, to be named in the notice to defend, from whom legal help can be obtained is:

Northwestern Legal Services  
100 Main Street  
Bradford, PA 16701  
Telephone: 814-362-6596

The notice shall substantially conform to the form shown below.

#### Form 1018.1 Notice to Defend

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	McKEAN COUNTY, PENNSYLVANIA
vs.	:	CIVIL DIVISION - _____
_____	:	____ Medical Professional Liability Action
Defendant	:	NO. _____

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northwestern Legal Services 100 Main Street  
Bradford, Pennsylvania 16701  
Telephone: 1-814-362-6596

##### Rule L1028(c). Preliminary Objections.

(1) Filing. All preliminary objections shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. No. 204.1 and Rule L205.2(a). Preliminary Objections should not be filed with the court administrator. Courtesy copies for the court are not required. Preliminary Objections should not be filed in duplicate or by facsimile transmission, except in emergency circumstances. Preliminary Objections which assert facts not otherwise of record, including but not limited to an objection under Pa.R.C.P. No. 1028(a)(1), (5) or (6) shall be endorsed with a notice to plead pursuant to Pa.R.C.P. No. 1361.

(2) The court will take no action until the preliminary objections have been filed of record, except in unusual circumstances.

(3) Statement of applicable authority: All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the preliminary objections; or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections itself. If not so supported, then the preliminary objections shall be summarily disposed of unless counsel promptly requests



permission for good cause to file the required brief or memorandum of law at a later date.

(4) Amended Complaint, Answer or Reply brief: The opposing party shall file an amended complaint, answer or reply brief to the preliminary objections within 20 days after service of them unless the time for filing the response is modified by court order. If an amended complaint, answer or reply brief is not timely filed, then the preliminary objections shall be sustained unless counsel promptly requests permission for good cause to file the required amended complaint, answer or reply brief at a later date.

(5) The court shall provide the opportunity for argument either by written briefs or orally in open court. If oral argument is held, the court, in its discretion, may decide the matter at argument or take the matter under advisement. If an order is entered without oral argument, the court shall hear oral argument on an application by any party for reconsideration of such order. The application for reconsideration shall be filed within 10 days after the filing of the decision.

(6) No oral testimony shall be heard at the time of argument except by direction of the court.

(7) In the event there are disputed issues of fact, the court will schedule the matter for hearing.

(8)(a) Appearance by Advanced Communication Technology: The court, in its discretion, may permit any party to appear by telephone or by a system providing two-way simultaneous audio-visual communication. Any party wanting to participate in any argument or hearing utilizing advanced communication technology shall file a motion not later than the 5th day preceding the argument or hearing unless good cause can be shown for the late filing of the motion. Every request to appear by advanced communication technology shall contain the certification required by Rule L208.2(d). The party or parties appearing utilizing advanced communication technology shall bear the cost thereof, unless the court provides otherwise. Notwithstanding, any Judge of this court may adopt an alternate procedure governing appearances utilizing advanced communication technology.

(b) If a party choosing to appear utilizing advanced communication technology fails to call the court or is unavailable when called to participate in the call with the court, the court may pass the matter or may treat the failure to call or participate as a failure to appear.

#### Comment

All Preliminary Objections, upon filing, must be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the preliminary objections; or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections itself. See Pa.R.C.P. No. 210, Rules L210 and L303.1 and the Explanatory Comment that follows. Preliminary Objections decided on the papers filed of record or on such briefs or memorandums of law as may be filed by the parties will normally be decided within 30 days of the date on which the answer or reply brief is filed. Preliminary Objections on which oral argument is held will normally not be decided for 90–120 days after the Preliminary Objections are filed. Notwithstanding, any party or a party's attorney has the right to appear before a Judge of this court and argue any motion. See Pa.R.C.P. No. 211.

Failure to answer preliminary objections raising questions of fact and endorsed with a notice to plead constitutes an admission of the facts pleaded.

#### Rule L1033. Amended Pleading.

Whenever an amended pleading is filed, such pleading shall be a complete pleading and not merely set forth the amendments to the former pleading. The amended pleading shall clearly indicate that it is an amended pleading, the paragraphs shall be renumbered, and the new portion shall be underlined.

#### Rule L1034(a). Motion for Judgment on the Pleadings.

(1) Filing. A motion for judgment on the pleadings shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. No. 204.1 and Rule L205.2(a). It should not be filed with the court administrator. Courtesy copies for the court are not required. It should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(2) The court will take no action until the motion has been filed of record, except in unusual circumstances.

(3) Statement of applicable authority. All Motions for Judgment on the Pleadings shall be supported by a brief or memorandum of law filed contemporaneously with the motion.

(4) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order. If a response is not filed as provided above, the court may treat the motion as uncontested.

(5) The court shall provide the opportunity for argument either by written briefs or orally in open court. If oral argument is held, the court, in its discretion, may decide the matter at argument or take the matter under advisement. If an order is entered without oral argument, the court shall hear oral argument on an application by any party for reconsideration of such order. The application for reconsideration shall be filed within 10 days after the filing of the decision.

(6) No oral testimony shall be heard at the time of argument except by direction of the court.

(7)(a) Appearance by Advanced Communication Technology: The court, in its discretion, may permit any party to appear by telephone or by a system providing two-way simultaneous audio-visual communication. Any party wanting to participate in any argument utilizing advanced communication technology shall file a motion not later than the 5th day preceding the argument unless good cause can be shown for the late filing of the motion. Every request to appear by advanced communication technology shall contain the certification required by Rule L208.2(d). The party or parties appearing utilizing advanced communication technology shall bear the cost thereof, unless the court provides otherwise. Notwithstanding, any Judge of this court may adopt an alternate procedure governing appearances utilizing advanced communication technology.

(b) If a party choosing to appear utilizing advanced communication technology fails to call the court or is unavailable when called to participate in the call with the court, the court may pass the matter or may treat the failure to call or participate as a failure to appear.

#### Comment

All Motions for Judgment on the Pleadings, upon filing, must be supported by a brief or memorandum of law filed



contemporaneously with the motion. See Pa.R.C.P. No. 210, Rules L210 and L303.1 and the Explanatory Comment that follows. A Motion for Judgment on the Pleadings decided on the papers filed of record or on such briefs or memorandums of law as may be filed by the parties will normally be decided within 30 days of the date on which the reply brief is filed. A Motion for Judgment on the Pleadings on which oral argument is held will normally not be decided for 90—120 days after the motion is filed. Notwithstanding, any party or a party's attorney has the right to appear before a Judge of this court and argue any motion. See Pa.R.C.P. No. 211.

#### **Rule L1035.2(a). Motion for Summary Judgment.**

The procedures for the disposition of a Motion for Summary Judgment are identical to the procedures for the disposition of a Motion for Judgment on the Pleadings described in Rule L1034(a) except that a Response in Opposition to the Motion for Summary Judgment shall be filed as provided in Pa.R.C.P. No. 1035.3.

#### **Rule L1038(a). Proposed Findings of Fact, Conclusions of Law and Memorandum in Support.**

At any non-jury trial, except by leave of court, no party shall be permitted to present evidence either in support of or in opposition to any claim or cause of action unless the party has first presented proposed findings of fact, conclusions of law and a memorandum in support thereof unless the presentation of same are postponed by court order.

The court, in its discretion, may grant a continuance to allow the non-filing party to prepare the required findings, conclusions of law and memorandum, except the costs of litigation thereby caused to the other party or parties to the action may be imposed as a sanction on the non-filing party.

#### **Rule L1038(b). Trial without Jury.**

Parties who elect to have their case tried without a jury after demand for jury trial has been filed shall enter into and file the following stipulation:

"The undersigned parties in the above captioned case hereby agree that it shall be tried by a Judge without a jury in accordance with Pa.R.C.P. No. 1038."

### **ACTION TO QUIET TITLE**

#### **Rule L1066. Form of Judgments or Order.**

Any order entered under Pa.R.C.P. No. 1066(b)(1) shall include a description of the property. If notice of the entry of such an order is given by publication, it shall be given as provided by Rule L1064.

### **ARBITRATION**

#### **Rule 1301.1. Scope.**

(a) All cases which are at issue, where the amount in controversy (exclusive of interest and costs) shall be \$50,000 or less, except those involving title to real estate, equity actions, mortgage foreclosure, and other actions which do not involve the recovery of money damages, including divorce, mandamus and quo warranto, shall be submitted to and heard and decided by a Board of Arbitration.

(b) This rule shall apply to cases involving more than one claim, including counter claims, if none of such claims exceed \$50,000 exclusive of interest and costs.

(c) Cases which are not at issue, and whether or not suit has been filed, may be submitted to a Board of Arbitration by agreement of reference signed by all parties or their counsel. The agreement of reference shall define the issues to be submitted to the Board, and, when agreeable to the parties, shall also contain stipulations with respect to facts agreed or defenses waived. When a case is submitted to the Board by agreement of reference, the agreement shall take the place of pleadings and shall be filed of record in the office of the prothonotary and shall be assigned a number and term.

(d) Any case not arbitrable under this rule may be submitted to arbitration according to the procedure herein provided, by stipulations of all parties thereto or their counsel.

(e) The court may, at any time, in its discretion, enter an order allowing any case, arbitrable under this rule to be listed for trial pursuant to Rule L308.1. A dismissal or judgment which results from this rule will be treated as any other final judgment in a civil action subject to Pa.R.C.P. No. 227.1.

(f) The court may, at any time, in its discretion, enter an order transferring a case to arbitration even though the original demand may have exceeded \$50,000.

#### **Comment**

While a Board of Arbitration may hear a lawsuit in which any party claims an amount in excess of \$50,000, the award of the Board of Arbitration to any party may not exceed \$50,000 (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitration may award up to the amount agreed upon in excess of \$50,000 if all parties also agree that the arbitration award is final and cannot be appealed to court.

#### **Rule 1301.2. Pleading, Discovery and Dispositive Motions—Small Claims.**

(a) This rule shall cover all arbitrable cases that:

(1) arise from an appeal to the decision of a Magisterial District Judge even if the Plaintiff's claim is for an amount in excess of \$12,000;

(2) are commenced with the filing of a simple complaint wherein the amount in controversy is \$12,000 or less; or

(3) are commenced with a complaint prepared in conformity with Pa.R.C.P. No. 204.1 and Pa.R.C.P. Nos. 1019 et seq. wherein the amount in controversy is \$12,000 or less.

(b) In all cases covered by this rule, a simplified complaint and a simplified answer shall be permitted and encouraged. The simplified complaint and the simplified answer shall be available from the prothonotary and online at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx).

(c) Discovery in cases covered by this rule, including a Request for Admission under Pa.R.C.P. No. 4014, is discouraged and shall be permitted only by order of court. A party wanting to conduct discovery shall file a motion pursuant to Rule L208.3(a). The requirement that a statement of applicable authority accompany the motion is waived. The motion shall, inter alia, contain the reason or reasons why discovery is needed and what information, documents etc. are being sought.

(d) Preliminary Objections may be filed to any pleading. No objection shall be made based on the failure of the pleading to conform to a rule of court.

(e) Motions for Judgment on the Pleadings and for Summary Judgment shall not be permitted in cases covered by this rule.

(f) The failure of a party to raise a defense or objection in his or her simplified answer or by preliminary objection shall not constitute a waiver of such defense or objection under Pa.R.C.P. No. 1032 and may be heard at the time of the hearing at the discretion of the Board of Arbitration.

(g) A self represented litigant may file a simplified answer to a complaint nonetheless filed in conformity with the Pa.R.C.P. No. 204.1 and Pa.R.C.P. Nos. 1019 et seq. The self represented litigant when replying to such a complaint should reply using separate numbered paragraphs corresponding to the numbered paragraphs of the complaint. Any matter not covered in the self represented litigant's replies to the separate paragraphs of the complaint should be set forth in separately numbered paragraphs under the caption "New Matter, Counterclaim or Cross-Claim".

(h) Self represented litigants who appeal from a decision of a Magisterial District Judge in matters covered by this rule shall be furnished with a copy of the simplified complaint or simplified answer, ancillary forms and printed instructions for their use.

#### Explanatory Comment

This rule is intended to afford represented and self represented litigants reasonable access to the court and to provide a timely and affordable means to resolve small claims not involving complex issues or needing extensive discovery. Certain rules of pleading and evidence have been established to enable fair and prompt resolution of claims.

This rule does not affect for compulsory arbitration cases which are appealed pursuant to Pa.R.C.P. Nos. 1308—1311 the right to discovery provided by Pa.R.C.P. Nos. 4001—4020, the right to file a motion for judgment on the pleadings provided by Pa.R.C.P. No. 1034 and L1034(a) or, the right to file a motion for summary judgment provided by Pa.R.C.P. No. 1035.2 and L1035.2(a).

#### Comment

A party wanting to conduct discovery after an appeal is taken is required to obtain court approval pursuant to Rule L1308(b).

#### Rule 1301.3. Discovery (Except Small Claims)—Personal Injury.

(a) For any personal injury claim filed, the plaintiff may serve arbitration discovery requests that conform substantially to the form available from the court administrator and on the court's website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx). They may be served together with the copy of the Complaint or on the defendant thereafter.

(b) The defendant shall furnish the information sought in the discovery requests within 30 days of receipt of the discovery requests.

(c) For any personal injury claim filed, any defendant may serve arbitration discovery requests that substantially conform to the form available from the court administrator and on the court's website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx). They may be served together with the copy of the Answer or on the plaintiff thereafter.

(d) The plaintiff shall furnish the information sought in the discovery requests within 30 days of receipt of the discovery requests.

(e)(1) A party may not seek additional discovery through interrogatories or requests for production of documents until that party has sought discovery through the arbitration discovery requests described herein.

(2) A party may not include any additional interrogatories or requests for production of documents in the arbitration discovery requests provided for in this rule.

(f) This rule applies to additional defendants.

(g) This rule does not apply to claims that do not exceed the sum of \$12,000 (exclusive of interest and costs) wherein the parties' right to discovery for Small Claims shall be governed by Rule L1301.2(c).

#### Comment

While this rule does not bar additional discovery in arbitration proceedings, it is anticipated that depositions, additional interrogatories or additional requests for the production of documents will be unreasonably burdensome in most arbitration proceedings involving personal injury claims.

This rule does not affect the right to discovery provided by Pa.R.C.P. Nos. 4001—4020 for compulsory arbitration cases which are appealed pursuant to Pa.R.C.P. Nos. 1308—1311.

#### Rule L1302. Arbitrators.

(a) The Board of Arbitration shall be composed of 3 attorneys. The prothonotary shall maintain a list of available arbitrators who shall all be members of the Bar actively engaged in the practice of law primarily in McKean County. The Board of Arbitration shall be chaired by a member of the bar admitted to the practice of law for at least 3 years.

(b) After an arbitration panel has been selected and all parties notified thereof, any party or their counsel may request that an arbitrator disqualify themselves if their impartiality might reasonably be questioned including but not limited to instances where: they have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding, or they have served as a lawyer in the matter in controversy or they have a substantial financial interest in the matter in controversy.

(c) Before entering upon their duties the members of the Board of Arbitration shall subscribe to an oath to perform their duties and decide the case submitted to them justly and equitably, and with due diligence, which oath shall be filed with their award. In all cases, a decision by majority of the members of the Board of Arbitration shall be conclusive.

(d) Each member of a Board of Arbitration who has signed the award shall receive as compensation for his/her services in each case or if several cases are heard on the same day by the same Board of Arbitration for each half day session a fee of \$250. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the court, on petition of the members of the Board and for cause shown, may allow additional compensation. The members of a Board shall not be entitled to receive their fees until after filing an award with the prothonotary. When the same is filed, the prothonotary shall issue an order for payment of such fees which shall be immediately paid from County funds as in the case of all other County debts. Fees paid to Arbitrators shall not be taxed as costs or follow the award as other costs.

#### Rule 1303.1. Hearing.

(a)(1) After the pleadings have been closed for 30 days cases may be listed for arbitration by one or more of the parties in the case or their counsel filing a Praeipce for Arbitration that shall include, to the extent possible, an estimate of the number of hours, or portion thereof, anticipated to be needed for the hearing, together with a listing fee in the amount of \$100. The praecipe shall substantially conform to the form shown below. The party or counsel filing the Praeipce for Arbitration shall deliver a copy to the court administrator and shall forthwith serve a copy of the praecipe upon all other counsel of record and any unrepresented parties, who, if for any reason oppose such listing, shall within 10 days thereafter file their objection(s). Ten days after the case has been praeciped onto the list, if no objections thereto have been filed, the prothonotary shall promptly appoint a panel of 3 arbitrators one of whom to be appointed chairperson to hear and decide the case, and shall forward copies of all pleadings and other documents filed in the case to all arbitrators. The chairperson so appointed shall forthwith establish the time, date and place of the hearing and notify all counsel of record, unrepresented parties, and members of the arbitration panel thereof at least 30 days in advance unless a shorter time is stipulated to. All hearings shall be held within 60 days of the date the chairperson is appointed by the prothonotary. In the event the case is settled prior to hearing but after the chairperson has scheduled a hearing, \$50 of the filing fee shall be paid to the chairperson as reimbursement for office expenses. In the event the case has been settled prior to hearing and before the chairperson has scheduled a hearing, \$50 of the filing fee shall be refunded to the party who paid it. In either event the remaining \$50 shall be retained by the prothonotary to reimburse expenses. The filing fee shall be charged to the party first listing the case for hearing, and only be assessed one time per case.

(a)(2)(i) The court may at any time, in its discretion, enter an order listing any case, arbitrable under this rule,

for arbitration and may also set the time, date and place for the hearing. The court administrator shall forthwith notify all counsel of record and unrepresented parties that the case has been listed for arbitration and if a hearing date has been set, the time, date and place of the hearing. Counsel or any party who for any reason oppose such listing, shall within 10 days thereafter file their objection(s). Ten days after the case has been listed, if no objection thereto has been filed or no praecipe has been filed marking the case "settled and discontinued", the prothonotary shall promptly appoint a panel of 3 arbitrators one of whom to be appointed chairperson to hear and decide the case, and shall forward copies of all pleadings and other documents filed in the case to all arbitrators. In the event the case is settled before the Board of Arbitration is appointed no fee shall be assessed. In the event the case is settled after the Board of Arbitration has been appointed and before the hearing a fee in the amount of \$50 shall be collected by the prothonotary from the Plaintiff to reimburse the prothonotary for expenses. A party who demonstrates a financial inability to pay all or a part of the aforesaid fee may request the court waive all or part of the fee.

(a)(2)(ii) If the court has entered an order listing the case for arbitration and did not in its order set the time, date and place for the hearing of the case and the Board of Arbitration has been appointed by the prothonotary, the chairperson shall forthwith establish the time, date and place of the hearing and notify all counsel of record, unrepresented parties, and members of the arbitration panel thereof at least 30 days in advance unless a shorter time is stipulated to. All hearings shall be held within 60 days of the date the Board of Arbitration is appointed by the prothonotary. In the event the case is settled before the Board of Arbitration is appointed no filing fee shall be assessed. In the event the case is settled after the Board of Arbitration has been appointed and before the chairperson has scheduled the hearing a fee in the amount of \$50 shall be collected by the prothonotary from the Plaintiff as reimbursement to the prothonotary for expenses. In the event the case is settled after the chairperson has scheduled the hearing and before the hearing a fee in the amount of \$100 shall be collected by the prothonotary from the Plaintiff, \$50 of the fee shall be paid to the chairperson as reimbursement for his or her office expenses and the remaining \$50 shall be retained by the prothonotary. A party who demonstrates a financial inability to pay all or a part of the aforesaid fee may request the court waive all or part of it.

#### Comment

In the event the matter is settled prior to hearing but after the Board of Arbitration has been appointed, counsel, or if there is no counsel involved, the parties, shall notify the chairperson of the Board of Arbitration of the terms of the settlement. See Rule L1306.

Form—Praeipce to List for Arbitration

_____	Plaintiff	: IN THE COURT OF COMMON PLEAS OF
vs.		: McKEAN COUNTY, PENNSYLVANIA
_____	Defendant	: CIVIL DIVISION - Law
		: NO. _____

**PRAECIPE TO LIST FOR ARBITRATION**

To the Prothonotary:

Please list the above captioned matter for arbitration pursuant L1301.3(a)(1).

1. Are the pleadings closed? \_\_\_\_ yes \_\_\_\_ no (if no, explain below):

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2. Are there any outstanding motions? \_\_\_\_ yes \_\_\_\_ no (if no, explain below):

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3. Is discovery completed? \_\_\_\_ yes \_\_\_\_ no (If no, explain below):

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4. The number of hours estimated to be needed for the hearing are: \_\_\_\_ hour(s).

5. A copy of this praecipe has been served on all counsel of record and unrepresented parties in the following manner:

Respectfully Submitted,

\_\_\_\_\_  
[Print Name]

Date: \_\_\_\_\_

Counsel for \_\_\_\_\_  
[Strike if not Applicable]

**Rule 1303.2. Notice.**

The notice required to be given of the hearing pursuant to Pa.R.C.P. No. 1303(a)(1) shall be as follows:

Form—Arbitration Hearing Notice

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	McKEAN COUNTY, PENNSYLVANIA
vs.	:	CIVIL DIVISION - Law
_____	:	NO. _____
Defendant	:	

**ARBITRATION HEARING NOTICE**

Your case will be heard before a Board of Arbitration at the McKean County Courthouse, 500 Main Street, Smethport, Pennsylvania, on \_\_\_\_\_, \_\_\_\_, 201\_\_\_\_ at \_\_\_\_ 9:00 A.M. \_\_\_\_ 1:00 P.M. Requests for continuances shall be made as soon as possible after receipt of this notice. The attached Motion for Continuance shall be used. Last minute requests for continuances ordinarily will not be granted.

**DUTY TO APPEAR AT THE HEARING**

THIS MATTER WILL BE HEARD BY A BOARD OF ARBITRATION AT THE TIME, DATE AND PLACE SPECIFIED BUT, IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northwestern Legal Services  
100 Main Street  
Bradford, Pennsylvania 16701  
Telephone: 1-814-362-6596



**Rule 1303.3. Failure to Appear for Hearing.**

If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree, be transferred immediately to a Judge of the Court of Common Pleas for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

**Comment**

This rule results in the loss of a right to a trial de novo on appeal. A dismissal or judgment which results from this rule will be treated as any other final judgment in a civil action subject to Pa.R.C.P. No. 227.1.

**Rule 1304.2. Conduct of Hearing.**

(a) The Board of Arbitration, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence, and shall have the general powers of a court including, but not limited to, the following powers:

(1) To issue subpoenas to witnesses to appear before the Board as in other civil actions, and to issue an attachment upon allowance by the court for failure to comply therewith.

(2) To compel the production of all books, papers and documents which they shall deem material to the case.

(3) To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and facts of the case submitted to them.

(4) To adjourn their meetings from time to time.

(i) If, after the appointment of a Board of Arbitration, but before hearing, one of the members thereof shall die or become incapable of acting, or shall refuse to attend the hearing, or shall remove or depart from the county, the remaining members of the Board shall, upon agreement of the parties, proceed to hear the matter at issue.

(ii) If a member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before an award shall be made, the case shall be decided and the award signed by the remaining members of the Board. If they cannot agree, the matters shall be heard de novo by a new Board, to consist of the remaining members plus a third to be appointed by the prothonotary.

(b)(1) The Board shall have the right to proceed ex parte in a proper case if, after due notice, one of the parties fails to appear at the hearing and does not request a continuance for good cause, or

(2) If a party fails to appear at the hearing the case may be transferred immediately to a Judge of the court of common pleas for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no

right to a trial de novo on appeal. A non-jury verdict entered at a hearing held pursuant to this rule shall not exceed \$50,000 (exclusive of interest and costs) to any party.

(c) In all cases the filing of proposed findings of fact, conclusions of law and a memorandum of support shall be permitted and encouraged. The findings of fact, conclusions of law and memorandum shall be filed with the prothonotary in advance of the arbitration hearing and a copy served on each party and each arbitrator.

(d) At least 7 days before the date of the hearing, the case may be continued 1 time by agreement of all counsel and unrepresented parties. The counsel or party requesting the continuance shall give written notice of such continuance to the arbitrators. The chairperson of the Board of Arbitration shall reschedule the case to be heard within 30 days, with notice of hearing to be provided to all arbitrators, counsel and unrepresented parties. In the event that the parties cannot agree to a continuance more than 7 days prior to the scheduled hearing date a motion for continuance must be made to and ruled upon by the court. If the case is continued by the court, the chairperson shall reschedule the hearing following the procedure set forth above.

**Rule 1306. Award.**

(a) In the event the matter is settled prior to hearing but after the Board of Arbitration is appointed counsel or, if there is no counsel involved, the parties shall notify the chairperson of the Board of Arbitration of the terms of the settlement and the Board of Arbitration shall enter an award consistent with the terms of settlement and file the same with the prothonotary.

(b) The Board of Arbitration shall make their decision promptly and shall file their award with the prothonotary within 7 days after the making of their decision. The award shall be signed by all or a majority of the members of the Board. The award shall dispose of all claims for relief and shall comply with Pa.R.C.P. No. 1312. The prothonotary shall file the award and enter the same in the proper dockets and transmit a copy thereof by mail to the parties or their counsel. The prothonotary shall record any award in the judgment index as verdicts are now recorded.

(c) Any party seeking damages under Pa.R.C.P. 238 (relating to award of damages for delay in an action for bodily injury, death or property damage) shall at the conclusion of the hearing submit to the Board of Arbitration, in a sealed envelope, a statement substantially in the form shown below. If no settlement offer has been made by any one or more defendants the Board of Arbitration shall reconvene the hearing for the purpose of assessing delay damages. The arbitrators shall not open said envelope until they have reached their basic award. The envelope and the writing contained therein shall be filed with the papers in the case.

Form—Delay Damages

_____	Plaintiff	:	IN THE COURT OF COMMON PLEAS OF
vs.	:		McKEAN COUNTY, PENNSYLVANIA
_____	Defendant	:	CIVIL DIVISION - Law
		:	NO. _____

## DELAY DAMAGES

To the Board of Arbitration:

(1) On what date did the cause of action accrue? \_\_\_\_\_

(2) On what date was the Complaint filed? \_\_\_\_\_

(3) Was a written offer of settlement made by the Defendant, or additional Defendant?  
 \_\_\_\_ Yes

If yes, by whom? \_\_\_\_\_ and state:

(a) The date of the written offer \_\_\_\_\_ ;

(b) Was it in effect at the time of commencement of the hearing? \_\_\_\_ Yes \_\_\_\_ No;

(c) The amount of the offer of settlement was \_\_\_\_ ;

Attach a copy of the written offer of settlement.

\_\_\_\_ No

Respectfully submitted,

Attorney for Plaintiff(s)

Attorney for Defendant(s)

**Rule 1308. Appeal.**

(a) The award, if any, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a judgment entered by a court of competent jurisdiction. If no appeal is taken within the time allotted therefore, execution process may be issued on the award as in the case of other judgments.

(b) An appeal from an award by the Board of Arbitration shall be taken pursuant to Pa.R.C.P. Nos. 1308—1311. Appellant shall furnish the prothonotary with a copy of the appeal from the award of the Board of Arbitration for the court administrator. Discovery shall be permitted only by order of court upon good cause shown.

(c) The appealing party shall pay to the prothonotary the sum of \$750.00 but not more than 50% of the amount in controversy, as compensation for the Arbitrators, which shall not be taxed as costs or be recoverable in any proceeding. A party who demonstrates a financial inability to pay all or a part of the aforesaid fee may request the court waive all or part of it.

(d) All appeals shall be de novo except when the case is transferred to and decided by a Judge of the Court of Common Pleas pursuant to Rule L1304.2(b)(2). Despite any costs which a successful appellant may recover from the adverse party, he shall nevertheless not be entitled to recover the arbitrators' fees paid by him as a condition of taking his appeal.

(e) Any party may file exceptions with the court from the decision of the Board of Arbitration within 20 days from the filing of the award for either or both of the following reasons and for no other:

(1) That the arbitrators misbehaved themselves in the conduct of the case;

(2) That the actions of the Board were procured by corruption or other undue means. If such exceptions shall be sustained, the award of the Board shall be vacated by the court.

**Comment**

An appeal from an award of a Board of Arbitration is governed by Pa.R.C.P. Nos. 1308, et seq.

**MEDIATION**

The Pennsylvania Rules of Civil Procedure contain 3 rules that relate to mediation. They are Pa.R.C.P. No.

1042.21 (Medical Professional Liability Actions), Pa.R.C.P. No. 4011(d) (Limitation of Discovery and Deposition) and Pa.R.C.P. No.1940.1 et seq. (Mediation in Custody Actions) See also L1940.1. There is no Pennsylvania Rule of Civil Procedure that corresponds to Rule L1341.

**Rule L1341. Mediation.**

(a) Appropriate civil cases including medical professional liability actions that have progressed beyond the exchange of expert reports and family law cases that involve a claim for equitable distribution of property may be referred to mediation by order of the court (mediation of custody disputes is addressed by Rule L1940.1), on the motion of any party which shall include a certification that it believes there is a realistic possibility of settlement, following a stipulation by all parties, or on the court's initiative.

(b)(1) The parties shall within 30 days after the date of the court order referring the case to mediation choose a mediator who is available during the appropriate period and has no apparent conflict of interest. If the parties are unable to choose a mutually acceptable mediator the court will appoint a mediator.

(2) Except by agreement of all the parties or as otherwise ordered by the court, one-half the cost of the mediator's services must be borne by the plaintiff(s) and one-half by the defendant(s). In a case with third-party defendants, the cost must be divided into three equal shares. Compensation must be paid directly to the mediator upon the conclusion of the mediation, or as otherwise agreed to by the parties and the mediator. Failure to pay the mediator shall be brought to the court's attention.

(3) A party who demonstrates a financial inability to pay all or a part of that party's pro rata share of the mediator's fee may request the court waive all or part of that party's share of the fee. Other parties to the case who are able to pay the fee must bear their pro rata portions of the fee.

(c) Promptly after being chosen to mediate a case, the mediator shall, after consulting with all parties, fix the date, time and place of the mediation. All mediations shall be held within 90 days of the court's order referring the case to mediation.

(d) At least 10 days before the date of the mediation, the mediation may be continued 1 time by agreement of all counsel. The counsel or party requesting the continu-

ance shall give written notice of such continuance to the mediator. The mediator shall reschedule the case to be heard within 60 days, with notice of hearing to be provided to all counsel. In the event that the parties cannot agree to a continuance more than 10 days prior to the scheduled mediation date a motion for continuance must be made to and ruled upon by the court. If the case is continued by the court, the mediator shall reschedule the mediation in accordance with the court's order granting the continuance.

(e)(1) All named parties and their counsel are required to attend the mediation unless excused under subparagraph (d) below. A party other than a natural person (e.g. a corporation or an association) satisfies this attendance requirement if represented by a decision maker(s) (other than outside counsel) who has full settlement authority and is knowledgeable about the facts of the case. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority, and is knowledgeable about the facts of the case, the government unit's position, and the procedures and policies under which the government unit decides whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend. Any party who fails to have physically in attendance the necessary decision maker(s) will be subject to sanctions.

(2) Each represented party must be accompanied at the mediation by the lawyer who will be primarily responsible for handling the trial of the matter. If a party is preceding pro se and if any other party is being represented by a lawyer at the mediation, the court will appoint an attorney to assist the pro se party at the mediation. The appointed attorney shall receive as compensation for his/her services a fee of \$250.00 that shall be paid by the pro se party. In mediations of unusual duration (more than 1 day) the court, on petition of the attorney and for cause shown, may allow additional compensation. The court may waive all or part of the attorney's fee if the pro se party demonstrates a financial inability to pay.

(3) Insurer representatives are required to attend in person unless excused under subparagraph (4) below, if their agreement would be necessary to achieve a settlement.

(4) A person who is required to attend mediation may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the court no fewer than 10 days before the date set for the mediation, simultaneously copying all counsel and the mediator.

(5) A person excused from appearing in person at mediation must be available to participate by telephone.

(f) The mediation must be informal and must employ a facilitative method. The mediator may hold separate, private caucuses with each side or each lawyer or, if the parties agree, with the parties only. The mediator may not disclose communications made during the caucus to another party or counsel without the consent of the party who made the communication.

(g) Within 5 days of the conclusion of the mediation, the mediator shall file a written report with the court that includes the caption and case number, the date of the mediation, whether any follow up is scheduled, whether the case settled in whole or in part, and any stipulations the parties agree may be disclosed.

### Explanatory Comment

Mediation is a flexible, non-binding, confidential process (See 42 Pa.C.S. § 5949) in which a neutral person (the mediator), selected by the parties, facilitates settlement negotiations. The mediator improves communication across party lines, helps parties articulate their interests and understand those of their opponent, identifies issues and helps generate options for a mutually agreeable resolution to the dispute. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options, often by exploring litigant needs and interests that may be formally independent of the legal issues in controversy.

### Comment

All named parties and their counsel are required to attend the mediation. This requirement reflects the court's view that the principal values of mediation include affording litigants opportunities to articulate directly to the other parties their positions and interests and to hear, first hand, their opponent's version of the matters in dispute. Mediation also enables parties to search directly with their opponent for mutually agreeable solutions.

### MINORS AS PARTIES

#### Rule L2039.1. Minors—Compromise, Settlement, Discontinuance and Distribution.

(a) A petition for settlement of a case in which a minor has an interest shall be filed with the prothonotary.

(b) The petition shall:

(1) Set forth the factual circumstances of the case;

(2) State the reasons why the settlement is a proper one; and

(3) Be accompanied by the following:

(i) A proposed Order of Distribution;

(ii) A written report of a physician;

(iii) In property damage claims, a statement by the party who made the repairs or appraised the loss;

(iv) A statement under oath by the guardian certifying (1) the present physical or mental condition of the minor, and (2) approval of the proposed settlement and distribution thereof;

(v) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and,

(vi) In the event that the minor is 16 years of age or over, his or her written approval of the proposed settlement and distribution thereof.

(c) The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that the fees be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as BlueCross/Blue Shield.

(d) The court, may in its discretion, require the personal appearance of the minor, his or her guardian(s), his or her doctor, or any other relevant party, as well as the production of any evidence deemed necessary for approval of the Petition.



### Comment

Under normal circumstances a counsel fee in the amount of one-quarter of the net fund recovered shall be considered reasonable, subject to the approval of the court.

### INCAPACITATED PERSONS AS PARTIES

#### Rule L2064.1. Incapacitated Persons

##### Compromise, Settlement, Discontinuance and Distribution.

(a) A petition for settlement of a case in which an incapacitated person has an interest shall be filed with the prothonotary.

(b) The petition shall:

(1) Set forth the factual circumstances of the case;  
(2) State the reasons why the settlement is a proper one; and

(3) Be accompanied by the following:

- (i) A proposed Order of Distribution;
- (ii) A written report of a physician;

(iii) In property damage claims, a statement by the party who made the repairs or appraised the loss;

(iv) A statement under oath by the guardian certifying (1) the present physical or mental condition of the incompetent person, and (2) approval of the proposed settlement and distribution thereof;

(v) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and,

(c) The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees is that the fees be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as BlueCross/Blue Shield.

(d) The court, may in its discretion, require the personal appearance of the incompetent person, his or her guardian, his or her doctor, or any other relevant party, as well as the production of any evidence deemed necessary for approval of the Petition.

### Comment

Under normal circumstances a counsel fee in the amount of one-quarter of the net fund recovered shall be considered reasonable, subject to the approval of the court.

### UNINCORPORATED ASSOCIATIONS AS PARTIES

#### Rule L2152. Actions by Associations.

The Plaintiff's initial pleading in an action prosecuted by an association shall set forth the names and addresses of the officers thereof or of all persons known to be holding themselves out as such. In case the said officers do not constitute the trustees ad litem, or have not consented to the prosecution of the action by consent in writing attached to the initial pleading, the plaintiffs shall serve notice, in the manner provided in Pa.R.C.P. No. 440 of the bringing of the action upon said officers within 10 days thereafter and file proof thereof in the action; otherwise, the action shall be automatically stayed until such proof is filed.

### ACTIONS FOR WRONGFUL DEATH

#### Rule L2205. Notice to Persons Entitled to Damages.

Notice shall in all cases be given personally or by registered or certified mail to each person entitled by law to recover damages in the action, unless the plaintiff shall file an affidavit that the identity or whereabouts of any such person is unknown to him after diligent search therefore, in which case the plaintiff shall cause the notice to be advertised one time in a newspaper of general circulation published in McKean County. Proof of such publication shall be filed in the prothonotary's office.

#### Rule L2206.1. Minors and Incapacitated Persons.

##### Actions for Wrongful Death Compromise, Settlement, Discontinuance and Judgment

The procedures for compromise, settlement, discontinuance and distribution in wrongful death and survival actions in which a minor or an incapacitated person has an interest shall be identical to the procedures for the approval of settlements described in Rules L2039.1 or L2064.1.

#### Rule L2232. Service of Notice to Persons Required to be Joined.

Service under this rule shall be made by personal service by any competent adult as provided in Pa.R.C.P. No. 402 or by registered mail pursuant to Pa.R.C.P. No. 403.

### SUBSTITUTION OF PARTIES

#### Rule L2353. Service of Rule.

When a party seeks to serve a successor by publication, he shall advertise a notice of the Rule one time in a newspaper of general circulation published in McKean County. Proof of such publication shall be filed in the prothonotary's office.

#### Rule L2952. Confessed Judgments.

When a judgment is entered upon any instrument containing a warrant of attorney, which instrument accompanies a mortgage, a statement shall be placed in the complaint showing the book and the page where said mortgage is recorded. If the instrument is entered without a complaint, a statement shall be placed upon the instrument itself.

### ENFORCEMENT OF JUDGMENTS

#### Rule L3110. Execution Against Contents of Safe Deposit Box.

When the Plaintiff seeks to serve a party by publication as provided in Pa.R.C.P. No. 3110(c) it shall be sufficient service to publish said notice one time in a newspaper of general circulation in McKean County. Proof of such publication shall be filed in the prothonotary's office.

#### Rule L3112. Service upon Garnishee.

##### Real Property of Defendant in Name of Third Party

Whenever a party seeks to serve a garnishee by publication as provided in Pa.R.C.P. No. 3112(c) it shall be sufficient service to publish said notice one time in a newspaper of general circulation in McKean County. Proofs of publication shall be filed in the prothonotary's office.

#### Rule L3123. Debtor's Exemption.

The sheriff following an appraisal or designation shall immediately thereafter and before sale give notice thereof by first class United States mail to all interested parties



of the appraisal or designation, which notice shall set forth the right of appeal to the Court of Common Pleas within 48 hours thereof.

#### **Rule L3128. Notice of Sale of Personal Property.**

One copy of the handbill shall be mailed, by certified United States mail, to the defendant by the sheriff.

### **DEPOSITIONS AND DISCOVERY**

#### **Rule L4010. Exchange of Medical Reports.**

When a mental or physical examination has been made pursuant to Pa.R.C.P. No. 4010, counsel shall be prepared to exchange medical reports, as provided therein, not more than 30 days after the examination has been made.

[Pa.B. Doc. No. 12-1941. Filed for public inspection October 5, 2012, 9:00 a.m.]

## **McKEAN COUNTY**

### **Adoption of Revised Local Rules of Motions Practice of Civil Procedure; Civil Division; No. 158 December Term 1904**

#### **Order**

*And Now*, this 18th day of September, 2012, it is hereby Ordered and Decreed, pursuant to Pennsylvania Rule of Civil Procedure 239.8, as follows:

1. The Local Rules of Civil Procedure L205.2(a), L205.2(b), L206.4(c), L208.2(c), L208.2(d), L208.2(e), L208.3(a), L208.3(b), L210, L1028(c), L1034(a), and L1035.2(a) are hereby adopted, effective upon publication on the Pennsylvania Judiciary Web Application Portal at <http://ujportal.pacourts.us>;

2. The District Court Administrator, Joanne L. Bly, of the 48th Judicial District is hereby directed to:

a. Transmit one (1) copy of this Order and the previously-mentioned Local Rules to the Pennsylvania Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts for publication on the Pennsylvania Judiciary Web Portal Application, transmission to the Committee may be made via the Note in Rule 239.8;

b. File two (2) certified copies of this Order and the previously-mentioned Local Rules, along with a compact disc (CD) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. Provide one (1) copy of this Order and the previously-mentioned Local Rules to each member of the McKean County Bar Association, distribution may be made electronically; and

d. Keep this Order and the previously-mentioned Local Rules continuously available for public inspection and copying in the Office of the McKean County Prothonotary and Clerk of Courts.

*By the Court*

JOHN H. PAVLOCK,  
*President Judge*

### **McKEAN COUNTY RULES OF CIVIL PROCEDURE MOTIONS PRACTICE**

#### **Rule L205.2(a). Filing of Legal Papers.**

In addition to the requirements forth in Pa.R.C.P. No. 204.1:

(1) All papers filed with the prothonotary shall be without folds to facilitate scanning and flat filing.

(2) All papers having multiple pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.

(3) All papers having multiple pages shall be bound at the top with a binding clip or single staple in the middle, not the side.

(4) No tape, headers or backers shall be used without prior approval of the prothonotary.

(5) Attachments to any paper filed with the prothonotary shall be clearly legible. Copies shall faithfully represent the original in every respect.

#### **Rule L205.2(b). Cover Sheet.**

(1) Pursuant to Pa.R.C.P. No. 205.5 the initial pleading in any civil action including actions for custody and visitation of minor children, actions for divorce, actions in domestic relations generally and actions in the Orphan's Court except actions filed pursuant to the Protection from Abuse Act, 23 Pa.C.S.A. § 1601 et seq. and actions for support, shall be accompanied by the cover sheet published by the court administrator of Pennsylvania available on the website of the Administrative Office of Pennsylvania Courts and from the prothonotary. The party filing the initial pleading in any other type of case not listed on the cover sheet or for which there is not an applicable header (e.g. TORT) under which the case type can be added on the line "Other:" shall mark in the lower right hand corner of the cover sheet under the heading "MISCELLANEOUS" sub-heading "Other:" Family Law, Orphan's Court and attach the supplement set forth in subdivision (3) of this rule.

The following are a list of case types that should be used when completing the Rule 205.5 Cover Sheet where not identified.

TORT: Assault, Wrongful Death/Survival, Minor's or Incapacitated Person's Compromise

CONTRACT: Mechanic's Lien, Insurance, Negotiable Instrument, Warranty

CIVIL APPEALS: Award of Viewers, Local Agency, Board of Elections

MISCELLANEOUS: Equitable Relief (Injunction), Labor Dispute, Confirm/Vacate Arbitration Award and any other case not specifically addressed in this rule.

(2) All pleadings including the initial pleading and entries of appearance filed in any matter shall be accompanied by the local cover sheet set forth in subdivision (3) of this rule.

(3) The court administrator shall design and publish the supplement referred to in subparagraph (1) of this rule and the local cover sheet referred to in subsection (2) of this rule. The latest version of these forms shall be available from the prothonotary and on the court's website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx). The prothonotary shall assist a party appearing pro se in the completion of these forms.

#### **Comment**

A "complex case" is an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel. The factors to be used in determining if a case is "complex"

are among other things, whether the action is likely to involve numerous pretrial motions raising difficult or novel legal issues that will be time consuming to resolve, management of a large number of witnesses or a substantial amount of documentary evidence, management of a large number of separately represented parties, or the trial of the case will take more than 2 days. An action is presumptively a complex case if it involves one or more of the following types of claims: medical malpractice, construction defect claims involving many parties; claims for wrongful death; or, insurance coverage claims arising out of any of the claims listed above.

Plaintiff/Defendant shall furnish the prothonotary with a copy of the cover sheet(s) and supplement, if any, for the court administrator.

**Rule L206.4(c). Petition Procedure: Issuance of a Rule to Show Cause.**

(1) Filing:

(a) All petitions shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. Nos. 204.1, 206.1 and Rule L205.2(a).

(b) Scope: As used in this rule, "petition" means any application to open a default judgment or a judgment of non pros.

(c) The issuance of a Rule to Show Cause upon presentation of a petition shall be discretionary. A petitioner seeking the issuance of a Rule to Show Cause shall attach to the petition a proposed order in the form prescribed in Pa.R.C.P. No. 206.5(d). The court in its discretion may delete paragraphs (4) and (5) of the form order (regarding discovery and argument) and provide instead that the matter will proceed before the court on an evidentiary hearing to resolve disputed issues of fact. The court may also enter an order to require the filing of briefs or to authorize discovery to proceed other than by deposition.

(d) Petitions should not be filed with the court administrator. All petitions shall be filed with the prothonotary. Courtesy copies for the court are not required. Petitions should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(e) The court will take no action until a petition has been filed of record, except in unusual circumstances.

(f) In the event a Rule to Show Cause is not issued, the court shall issue an appropriate order directing the respondent to file an answer to the petition and the petition will be decided under Pa.R.C.P. No. 206.7.

(2) The petition seeking the issuance of a Rule to Show Cause shall be supported with an appropriate statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the petition; or, in a routine petition that does not raise complex legal or factual issues, in the body of the petition itself.

(3) Any request for stay of execution pending disposition of a petition to open judgment shall be filed by separate motion.

(4) The petition and any motion seeking a stay of execution shall be scheduled for argument or hearing by the court administrator and it is not necessary for the moving party to request hearing or argument.

**Comment**

See Pa.R.C.P. No. 210 and L210 for the form of a brief or memorandum of law. See also Rule L303.1 and the Explanatory Comment that follows.

A petition for relief from a judgment by confession is governed by Pa.R.C.P. No. 2959.

A petition to open or strike a judgment is governed by Rule L315.

A petition to compromise, settle, or discontinue an action in which a minor has an interest under Pa.R.C.P. No. 2039 is governed by Rule L2039.1.

A petition to compromise, settle, or discontinue an action in which an incapacitated person has an interest under Pa.R.C.P. No. 2064 is governed by Rule L2064.1.

A petition to compromise, settle, or discontinue a wrongful death or survival action in which a minor or incapacitated person has an interest under Pa.R.C.P. No. 2206 is governed by Rule L2206.1.

Except as otherwise provided by the Pennsylvania Rules of Civil Procedure or by statute, all other applications for relief shall be in the form of a motion and shall be governed by Rule L208.3(a).

**Rule L208.2(c). Statement of Authority.**

All motions, except motions for continuances, shall be supported by a statement of authority citing a statute, rule of court or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the motion; or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

**Comment**

See Pa.R.C.P. No. 210 and Rule L210 for the form of a brief or memorandum of law. See also Rule L303.1 and the Explanatory Comment that follows.

**Rule L208.2(d). Certification of Position: Motions.**

Prior to submitting any motion, the movant or his/her counsel shall confer with all counsel of record and any unrepresented parties to determine their position with respect to the motion. The movant or his/her counsel shall include in or attach to his/her motion a certification that the movant or his/her counsel has conferred, or attempted to confer, with all interested parties to ascertain their position on the motion (contested, uncontested or no position). The ascertained position shall be indicated in the certification.

**Rule L208.2(e). Discovery Motions.**

A motion relating to discovery shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

**Rule L208.3(a). Motion Procedure: Scheduling and Argument.**

(1) Filing and Scheduling:

(a) All motions shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. Nos. 204.1, 208.2 and Rule L205.2(a) and shall be accompanied by a proposed order.

(b) Scope: As used in this rule, "motion" means any application to the court made in any civil action or proceeding except as provided by subdivision (b)(1) and (2) of Pa.R.C.P. No. 208.1.

(c)(i) Motions should not be filed with the court administrator. All motions shall be filed with the prothonotary. Courtesy copies for the court are not required.

(c)(ii) Motions should not be filed in duplicate or by facsimile transmission, except in emergency circumstances. The prothonotary shall immediately forward emergency and continuance motions to the court administrator. Continuances will be granted only in accordance with the court's continuance policy (See memorandum of November 16, 1993) available on the court's website at [www.mckeancountypa.org/Departments/Court\\_Of\\_Common\\_Pleas/Index.aspx](http://www.mckeancountypa.org/Departments/Court_Of_Common_Pleas/Index.aspx). See also Pa.R.C.P. No. 216. No such request will be granted unless good cause is shown.

(c)(iii) Every motion shall contain the certification required by Rule L208.2(d).

(d) The court will take no action until a motion has been filed of record, except in unusual circumstances.

(e) Unless the motion is certified as uncontested, the court shall provide the opportunity for argument either by written briefs or orally in open court. If oral argument is held, the court, in its discretion, may decide the matter at argument or take the matter under advisement. The court may deny the moving party's request for relief, without argument, when the motion is procedurally defective, is untimely filed or fails to set forth adequate grounds for relief. If an order is entered without oral argument, the court shall hear oral argument on an application by any party for reconsideration of such order. The application for reconsideration shall be filed within 10 days after the filing of the decision.

(f) No oral testimony shall be heard at the time of argument except by direction of the court.

(2)(a) Appearance by Advanced Communication Technology: The court, in its discretion, may permit any party to appear by telephone or by a system providing two-way simultaneous audio-visual communication. Any party wanting to participate in any argument or hearing utilizing advanced communication technology shall file a written request with the judge presiding over the matter not later than the 5th day preceding the argument or hearing unless good cause can be shown for the request's late filing. Every request to appear by advanced communication technology shall contain the certification required by Rule L208.2(d). The party or parties appearing utilizing advanced communication technology shall bear the cost thereof, unless the court provides otherwise. Notwithstanding, any Judge of this court may adopt an alternate procedure governing appearances utilizing advanced communication technology.

(b) If a party choosing to appear utilizing advanced communication technology fails to call the court or is unavailable when called to participate in the call with the court, the court may pass the matter or may treat the failure to call or participate as a failure to appear.

(3) Transcripts: The moving party in all post-trial or post-hearing motions or petitions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

#### Comment

All motions, upon filing, except motions for continuances and to appear by advanced communication technology, must be supported by a statement of authority citing a statute, rule of court or case law in support of the requested relief. See Rules L208.2(c) and L303.1. A motion decided on the papers filed of record or on such briefs or memorandums of law as may be filed by the parties will normally be decided within 30 days of the

date on which the response to the motion is filed. Motions certified as uncontested will normally be decided within a few days after the motion is filed. See Rule L208.2(d). A motion on which oral argument is held will normally not be decided for 90—120 days after the motion is filed. Notwithstanding, any party or a party's attorney has the right to appear before a Judge of this court and argue any motion. See Pa.R.C.P. No. 211.

EXCEPT FOR THE ACTIONS OR PROCEEDINGS DESCRIBED IN PA.R.C.P. NO. 208.1(b)(1) AND THE MATTERS DESCRIBED IN PA.R.C.P. NO. 208.1(b)(2) EVERY APPLICATION REQUESTING A JUDGE TO ENTER AN ORDER OF COURT IS GOVERNED BY THE MOTION RULES PA.R.C.P. NOS. 208.1—208.4 AND L208.2(c)—208.3(a). IT DOES NOT MATTER WHETHER THE MOVING PARTY REFERS TO THE APPLICATION AS A "PETITION," AS A "MOTION," OR EVEN AS AN "APPLICATION." THE MOTION RULES 208.1—208.4 APPLY.

For example, Pa.R.C.P. No. 3279(a), governing deficiency judgments, provides that the proceeding shall be commenced "by filing a petition" and Pa.R.C.P. Nos. 2301 et seq., governing interpleader by defendants, permit the commencement of the proceeding upon "petition" of a defendant and sets forth what the "petition for interpleader" shall allege. These proceedings are not governed by the rules governing petitions (General and Rules 206.1 et seq.) because the term petition, as used in these rules, is defined to cover only an application to open a default judgment or judgment of non pros. Every other application, even if described as a petition in other rules comes within Rule 208.1(a)'s definition of motion.

#### Rule 208.3(b). Motion Procedure: When Response Required.

A response along with a supporting brief or memorandum of law shall be filed by any party opposing a motion governed by Rule L208.3(a) within 20 days after service of the motion unless the time for filing the response is modified by court order or a Pennsylvania Rule of Court. If a response is not filed as provided above, the court may treat the motion as uncontested.

#### Comment

A response shall be filed by any party opposing a motion governed by Rule 208.3(a) even if there are no disputed facts because the response is the opposing party's method of indicating opposition.

Rules L210 and L303.1 govern the form of briefs and memorandums of law.

#### Rule L210. Form of Briefs and Memorandums of Law.

(a) Briefs and Memorandums of Law shall be typewritten using a 12 pt font or greater, double spaced (except for quotations) on paper 8-1/2 inches by 11 inches in size, shall be bound at the top, not at the side, and shall contain:

- (1) A history of the case.
- (2) A statement of the question or questions involved.
- (3) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
- (4) An argument with citation of the authority relied upon.
- (5) A short conclusion stating the precise relief sought.

(b) The argument shall be divided into as many parts as there are questions involved



(c) Memorandums of Law need not contain a history of the case.

(d) The brief of the responding party need only contain the argument and conclusion, but the responding party may add a counter history of the case.

(e) Briefs shall not exceed 20 pages in length without prior court approval. Memorandums of Law shall not exceed 10 pages.

(f) All briefs and memorandums of law shall be filed with the prothonotary. A courtesy copy of the brief or memorandum of law is not required.

### Comment

Please see the Explanatory Comment following Rule L303.1 regarding the court's request that counsel provide copies of out of jurisdiction cases and other not readily available source material.

### Rule L1028(c). Preliminary Objections.

(1) Filing. All preliminary objections shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. No. 204.1 and Rule L205.2(a). Preliminary Objections should not be filed with the court administrator. Courtesy copies for the court are not required. Preliminary Objections should not be filed in duplicate or by facsimile transmission, except in emergency circumstances. Preliminary Objections which assert facts not otherwise of record, including but not limited to an objection under Pa.R.C.P. No. 1028(a)(1), (5) or (6) shall be endorsed with a notice to plead pursuant to Pa.R.C.P. No. 1361.

(2) The court will take no action until the preliminary objections have been filed of record, except in unusual circumstances.

(3) Statement of applicable authority: All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the preliminary objections; or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections itself. If not so supported, then the preliminary objections shall be summarily disposed of unless counsel promptly requests permission for good cause to file the required brief or memorandum of law at a later date.

(4) Amended Complaint, Answer or Reply brief: The opposing party shall file an amended complaint, answer or reply brief to the preliminary objections within 20 days after service of them unless the time for filing the response is modified by court order. If an amended complaint, answer or reply brief is not timely filed, then the preliminary objections shall be sustained unless counsel promptly requests permission for good cause to file the required amended complaint, answer or reply brief at a later date.

(5) The court shall provide the opportunity for argument either by written briefs or orally in open court. If oral argument is held, the court, in its discretion, may decide the matter at argument or take the matter under advisement. If an order is entered without oral argument, the court shall hear oral argument on an application by any party for reconsideration of such order. The application for reconsideration shall be filed within 10 days after the filing of the decision.

(6) No oral testimony shall be heard at the time of argument except by direction of the court.

(7) In the event there are disputed issues of fact, the court will schedule the matter for hearing.

(8)(a) Appearance by Advanced Communication Technology: The court, in its discretion, may permit any party to appear by telephone or by a system providing two-way simultaneous audio-visual communication. Any party wanting to participate in any argument or hearing utilizing advanced communication technology shall file a motion not later than the 5th day preceding the argument or hearing unless good cause can be shown for the late filing of the motion. Every request to appear by advanced communication technology shall contain the certification required by Rule L208.2(d). The party or parties appearing utilizing advanced communication technology shall bear the cost thereof, unless the court provides otherwise. Notwithstanding, any Judge of this court may adopt an alternate procedure governing appearances utilizing advanced communication technology.

(b) If a party choosing to appear utilizing advanced communication technology fails to call the court or is unavailable when called to participate in the call with the court, the court may pass the matter or may treat the failure to call or participate as a failure to appear.

### Comment

All Preliminary Objections, upon filing, must be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the preliminary objections; or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections itself. See Pa.R.C.P. No. 210, Rules L210 and L303.1 and the Explanatory Comment that follows. Preliminary Objections decided on the papers filed of record or on such briefs or memorandums of law as may be filed by the parties will normally be decided within 30 days of the date on which the answer or reply brief is filed. Preliminary Objections on which oral argument is held will normally not be decided for 90—120 days after the Preliminary Objections are filed. Notwithstanding, any party or a party's attorney has the right to appear before a Judge of this court and argue any motion. See Pa.R.C.P. No. 211.

Failure to answer preliminary objections raising questions of fact and endorsed with a notice to plead constitutes an admission of the facts pleaded.

### Rule L1034(a). Motion for Judgment on the Pleadings.

(1) Filing. A motion for judgment on the pleadings shall be filed with the prothonotary in the form prescribed in Pa.R.C.P. No. 204.1 and Rule L205.2(a). It should not be filed with the court administrator. Courtesy copies for the court are not required. It should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(2) The court will take no action until the motion has been filed of record, except in unusual circumstances.

(3) Statement of applicable authority. All Motions for Judgment on the Pleadings shall be supported by a brief or memorandum of law filed contemporaneously with the motion.

(4) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order. If a response is not filed as provided above, the court may treat the motion as uncontested.



(5) The court shall provide the opportunity for argument either by written briefs or orally in open court. If oral argument is held, the court, in its discretion, may decide the matter at argument or take the matter under advisement. If an order is entered without oral argument, the court shall hear oral argument on an application by any party for reconsideration of such order. The application for reconsideration shall be filed within 10 days after the filing of the decision.

(6) No oral testimony shall be heard at the time of argument except by direction of the court.

(7)(a) Appearance by Advanced Communication Technology: The court, in its discretion, may permit any party to appear by telephone or by a system providing two-way simultaneous audio-visual communication. Any party wanting to participate in any argument utilizing advanced communication technology shall file a motion not later than the 5th day preceding the argument unless good cause can be shown for the late filing of the motion. Every request to appear by advanced communication technology shall contain the certification required by Rule L208.2(d). The party or parties appearing utilizing advanced communication technology shall bear the cost thereof, unless the court provides otherwise. Notwithstanding, any Judge of this court may adopt an alternate procedure governing appearances utilizing advanced communication technology.

(b) If a party choosing to appear utilizing advanced communication technology fails to call the court or is unavailable when called to participate in the call with the court, the court may pass the matter or may treat the failure to call or participate as a failure to appear.

#### Comment

All Motions for Judgment on the Pleadings, upon filing, must be supported by a brief or memorandum of law filed contemporaneously with the motion. See Pa.R.C.P. No. 210, Rules L210 and L303.1 and the Explanatory Comment that follows. A Motion for Judgment on the Pleadings decided on the papers filed of record or on such briefs or memorandums of law as may be filed by the parties will normally be decided within 30 days of the date on which the reply brief is filed. A Motion for Judgment on the Pleadings on which oral argument is held will normally not be decided for 90–120 days after the motion is filed. Notwithstanding, any party or a party's attorney has the right to appear before a Judge of this court and argue any motion. See Pa.R.C.P. No. 211.

#### Rule L1035.2(a). Motion for Summary Judgment.

The procedures for the disposition of a Motion for Summary Judgment are identical to the procedures for the disposition of a Motion for Judgment on the Pleadings described in Rule L1034(a) except that a Response in Opposition to the Motion for Summary Judgment shall be filed as provided in Pa.R.C.P. No. 1035.3.

[Pa.B. Doc. No. 12-1942. Filed for public inspection October 5, 2012, 9:00 a.m.]

### MONROE COUNTY

#### Administrative Order 2012.5; No. AD No. 36

#### Order

And Now, this 24th day of August, 2012, in order to comply with the specific coverage requirements of

Pa.R.Crim.P. 117 for Magisterial District Judges, the following schedule for coverage is adopted:

#### 1. Normal Business Hours

(a) Normal business hours shall be Monday through Friday from 8:30 a.m. to 4:30 p.m. except when a Court holiday has been declared on such day.

(b) All court proceedings normally conducted before a Magisterial District Judge, which occur during normal business hours of the Court, shall be conducted by the appropriate Magisterial District Judge as determined by the rules relating to venue.

(c) The Magisterial District Judge shall be available for all court proceedings without unreasonable delay during normal business hours for the purpose of accepting the posting of a defendant's bail, performing preliminary arraignments, and issuing warrants.

(d) The Magisterial District Judge shall use advanced communication technology in execution of his or her duties. Each Magisterial District Judge, as an "issuing authority" under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

(e) Priority of judicial business demands prompt and proper attention by Magisterial District Judges before partaking in any other endeavor, pursuant to Rule 3(A) of Rules Governing Standards of Conduct of Magisterial District Judges. If a magisterial district judge will not be available within one hour of any request for service, that Judge shall have pre-arranged judicial coverage from a cooperating Judge who will immediately meet the judicial responsibilities of the requesting absent Judge. The arrangement of judicial coverage shall be in writing by any method of communication and shall not exceed eight continuous hours of coverage. A copy of all communications for coverage shall be made immediately available to the Magisterial District Judge Court Administrator upon request.

#### 2. Duty Magisterial District Judge

(a) The Duty Magisterial District Judge is the MDJ assigned by the MDJ court administrator to conduct business outside of normal business hours.

(b) The Magisterial District Judge Court Administrator shall establish a rotating schedule assigning a Duty Magisterial District Judge to be on-call outside of the normal business hours of the Court to fulfill all duties of an issuing authority within the 43rd Judicial District, Monroe County, as required by the Rules of Criminal Procedure and the Protection from Abuse Act.

(c) On weekdays when the Court is open for business, the Duty Magisterial District Judge shall commence their duty at 4:30 p.m. until 8:30 a.m. the following morning. At any time during weekends and holidays the Magisterial District Judge shall be on duty from 4:30 p.m. the day their duty starts until 8:30 a.m. when the court next opens for business.

(d) The Duty Magisterial District Judge shall use advanced communication technology in execution of his or her responsibilities. Each Magisterial District Judge, as

an “issuing authority” under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

### 3. Preliminary Arraignments Outside Normal Business Hours

(a) Weekdays—When an individual is placed under arrest by law enforcement and requires arraignment:

1. The Duty Magisterial District Judge shall be contacted by the Monroe County Control Center and be available to conduct preliminary arraignments between the hours of 4:30 p.m. and 11:00 p.m. without unreasonable delay.

2. Between the hours of 11:00 p.m. and 8:30 a.m. the on-call MDJ may defer the performance of Rule 117(A)(2)(a) services until no later than 9:00 a.m. the following morning.

3. The Magisterial District Judge shall use advanced communication technology in execution of his or her duties. Each Magisterial District Judge, as an “issuing authority” under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

(b) Saturdays, Sundays and Holidays—When an individual is placed under arrest by law enforcement and requires arraignment:

1. The Duty Magisterial District Judge shall be contacted by the Monroe County Control Center and shall be available to conduct preliminary arraignments between the hours of 8:30 a.m. and 11:00 p.m. without unreasonable delay.

2. Between the hours of 11:00 p.m. and 8:30 a.m., the duty Magisterial District Judge may defer the performance of Rule 117(A)(2)(a) services until no later than 9:00 a.m. the following morning.

(c) The Magisterial District Judge shall use advanced communication technology in execution of his or her duties. Each Magisterial District Judge, as an “issuing authority” under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

### 4. Bail Outside Normal Business Hours

Monetary bail shall be posted outside of normal business hours at the Monroe County Correctional Facility.

The Warden of the Monroe County Correctional Facility, or her designee in charge, shall be authorized to accept bail deposits as provided in Rule 117, having the defendant sign the bail bond, releasing the defendant and delivering the bail deposit and bail bond to the issuing authority or to the Clerk of Courts.

After hour bail deposits must be in the form of cash, money order or bail bond. The posting of \$10,000.00 or more in cash shall require the submission of IRS Form 8300. All persons wishing to post bail after hours shall contact the Monroe County Correctional Facility at (570) 992-3232.

### 5. Warrants

The Duty Magisterial District Judge shall be available at all times during the week after normal business hours and at all times during weekends and holidays without unnecessary delay to issue search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513 and emergency orders under the Protection from Abuse Act.

Advanced communication technology may be utilized to submit the warrant application and affidavit(s) and to issue warrants in accordance with the requirements of Rules 203 and 513.

Each Magisterial District Judge shall be responsible for processing his or her summary warrants outside of normal business hours.

### 6. PFA

When an individual seeks an emergency protection from abuse order outside normal business hours, the Duty Magisterial District Judge shall, without unreasonable delay, speak with the Plaintiff by phone to establish a time when the individual will be available for hearing. At the agreed time, the Duty Magisterial District Judge shall receive the petition for relief, conduct an ex-parte hearing, and either issue or deny the requested order.

### 7. Juvenile Offenders

The Duty Magisterial District Judge shall be the designated issuing authority for purposes of Pa. R.J.C. P. 210(A) outside normal business hours

*It Is Ordered* that one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; that this local rule be published on the Unified Judicial System’s web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts—Criminal of the Court of Common Pleas of Monroe County.

The effective date of this Order shall be 60 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MARGHERITA PATTI WORTHINGTON,  
President Judge

[Pa.B. Doc. No. 12-1943. Filed for public inspection October 5, 2012, 9:00 a.m.]

# SUPREME COURT

**Philadelphia Traffic Court Judge Robert Mulgrew;  
No. 388 Judicial Administration Doc.**

## Order

*Per Curiam:*

*And Now*, this 19th day of September, 2012, it is hereby Ordered that Philadelphia Traffic Court Judge Robert Mulgrew is hereby relieved of any and all judicial and administrative responsibilities as a judge of the Philadelphia Traffic Court.

It is further Ordered that Judge Robert Mulgrew is suspended without pay pending further Order of this Court.

This Order is without prejudice to the rights of Judge Robert Mulgrew to seek relief in this Court for the purpose of vacating or modifying this Order. *In re: Avellino*, 690 A.2d 1138 (Pa. 1997); and see, *In re: McFalls*, 795 A.2d 367 (Pa. 2002).

[Pa.B. Doc. No. 12-1944. Filed for public inspection October 5, 2012, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 61 ]

#### Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

##### A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2013.

##### B. *Contact Person*

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

##### C. *Statutory Authority*

The amendment to § 61.8 (relating to Lehigh River, Schuylkill River and tributaries) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

##### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of change.

##### E. *Summary of Change*

The Lehigh and Schuylkill Rivers represent the two largest tributaries to the Delaware River, draining 3,529.7 km<sup>2</sup> and 4,951.2 km<sup>2</sup>, respectively. The annual numbers of American shad that migrate to both rivers is dependent upon successful passage at multiple fishways. The first of these fishways on the Lehigh River is situated near the confluence with the Delaware River at Easton Dam (RM 0.0). On the Schuylkill River, the first impediment to shad passage is the Fairmount Dam (RM 8.5). Multiple factors contribute to the successful passage of shad, such as adequate fishway attraction flows, river flow, river water temperature and abundance of the returning population. Shad passage varies annually as monitored at both fishways by surveillance cameras and passage efficiency is poor. For example, passage of shad monitored through the Chain Dam (RM 3.0) on the Lehigh River is typically less than 20% of Easton passage. Only 5.0% of the American shad that passed Easton Dam passed the Chain Dam in 2011. Shad passage is not monitored on any upstream fishway on the Schuylkill River, with the exception of some monitoring in 2010 and 2011 by Normandeau Associates for Exelon Energy at Black Rock Dam.

Both rivers have been the subject of long-term restoration efforts by the Commission. American shad fry resulting from fish culture at the Commission's Van Dyke Hatchery have been stocked in both the Lehigh and Schuylkill Rivers for many years. The long-term contribution of hatchery-stocked fish to the annual runs of

American shad is 74% and 96% for the Lehigh River and Schuylkill Rivers, respectively.

Since 1995 on the Lehigh River and 2005 on the Schuylkill River, the American shad season has been open year-round with a daily creel limit of one shad, with no minimum size on both rivers; however, the fishery is focused on the Delaware River mainstem. An estimate of angler use and harvest is not available for either the Lehigh or Schuylkill River. A few anglers have been noted to fish the tidal reach of the Schuylkill River.

Management of marine and diadromous fisheries in state waters on the Atlantic Coast is coordinated through the Atlantic States Marine Fisheries Commission (ASMFC). The adoption of Amendment 3 to the ASMFC Interstate Fishery Management Plan for Shad and River Herring in 2010 calls for a moratorium on commercial fisheries and a catch and release regulation for recreational American shad fisheries that cannot be demonstrated to be sustainable by January 1, 2013. Given that both the Lehigh and Schuylkill Rivers remain under restoration, that there is currently inefficient fishway passage and that data that can demonstrate sustainability is currently inadequate, the Commission cannot determine that the fisheries are sustainable on either river. The Commission therefore amends § 61.8 to read as set forth in the proposed rulemaking published at 42 Pa.B. 1862 (April 7, 2012) to impose catch and release only regulations for American shad in both rivers.

##### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

##### H. *Public Involvement*

A notice of proposed rulemaking was published at 42 Pa.B. 1862. The Commission did not receive any public comments concerning the proposed rulemaking.

##### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

##### *Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending § 61.8 to read as set forth at 42 Pa.B. 1862.



(b) The Executive Director will submit this order and 42 Pa.B. 1862 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 42 Pa.B. 1862 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-234 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1945. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [ 67 PA. CODE CH. 43 ]

#### Temporary Registration Cards and Plates

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 6103 (relating to promulgation of rules and regulations by department), amends §§ 43.1 and 43.9 (relating to purpose; and bond) and rescinds § 43.11 to read as set forth in Annex A. This rulemaking is being submitted as a final regulation with proposed rulemaking omitted under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204), known as the Commonwealth Documents Law (CDL). Insofar as these sections have been superseded by amendments to 75 Pa.C.S. (relating to Vehicle Code), specifically 75 Pa.C.S. § 7502.1(a) (relating to supersession), public notice of the proposed rulemaking is unnecessary, impractical and contrary to the public interest under 204(c) of the CDL.

#### *Purpose of Chapter 43*

The purpose of Chapter 43 (relating to temporary registration cards and plates) is to establish the rules and regulations governing the issuance of temporary registration plates and cards by authorized agents of the Department.

#### *Purpose of the Final-Omitted Rulemaking*

The purpose of this final-omitted rulemaking is to amend or rescind the parts of Chapter 43 that have been expressly superseded by 75 Pa.C.S. § 7502.1(a). Section 7502.1 of 75 Pa.C.S. provides that Department regulations regarding the amount of a bond, hearings, written warnings, suspensions, revocations and fines do not apply to an agent service under contract with the Department. As required under 75 Pa.C.S. § 7501 (relating to authorization of messenger and agent services), agent services are now performed under contract with the Department.

#### *Persons and Entities Affected*

This final-omitted rulemaking will not affect persons or entities as the affected sections were expressly superseded by 75 Pa.C.S. § 7502.1(a).

#### *Fiscal Impact*

This final-omitted rulemaking will not result in the expenditure of additional funds by the Commonwealth or local municipalities.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on August 10, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on September 19, 2012, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 20, 2012, and approved the final-omitted rulemaking.

#### *Sunset Provisions*

The Department is not establishing a sunset date.

#### *Contact Person*

The contact person for this final-omitted rulemaking is Andrew C. Cleaver, Department of Transportation, Bureau of Motor Vehicles, Customer Service Division, 4th Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, [acleaver@pa.gov](mailto:acleaver@pa.gov).

#### *Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 43, are amended by deleting § 43.11 and by amending §§ 43.1 and 43.9 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, P.E.,  
*Secretary*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6352 (October 6, 2012).)

**Fiscal Note:** 18-428. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE III. REGISTRATION

#### CHAPTER 43. TEMPORARY REGISTRATION CARDS AND PLATES

#### § 43.1. Purpose.

This chapter established rules and regulations governing the issuance of temporary registration plates and cards by authorized dealers, manufacturers, full agents and card agents under 75 Pa.C.S. §§ 1310 and 1331

(relating to temporary registration cards; and issuance and reissuance of registration plates).

**§ 43.9. Bond.**

(a) *Authorized dealers, manufacturers and full agents to be bonded.* Every authorized dealer, manufacturer and full agent shall file and maintain with the Bureau a bond executed by a surety company authorized to transact business in this Commonwealth. The bond shall be for the use and benefit of the Commonwealth and a person who has sustained a monetary loss within the limitations of the bond as specified in subsection (d).

(b) *Amount of bond.* Issuing agents, other than card agents, shall be bonded in the amount as set forth in the Agent Services Agreement.

(c) *Decrease in amount of bond.* If the amount of the bond is decreased, or if there is a final judgment outstanding against the bond, the right of the authorized dealer, manufacturer or full agent to issue temporary registration cards and plates will be suspended until steps are taken, satisfactory to the Bureau, to restore the original amount of the bond, provide additional bond or satisfy the judgment.

(d) *Limitations of bond.* The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a) has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Commonwealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be as specified in the Agent Services Agreement.

(e) *Bond already on file.* An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.

(f) *Acceptance.* The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.

(g) *Change of address.* When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.

(h) *Authorized claims.* The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the

surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:

(1) Claims made by the Commonwealth.

(2) Claims made by the Commonwealth for persons.

(3) Claims made by persons who obtained assignment from the Bureau.

**§ 43.11. (Reserved).**

[Pa.B. Doc. No. 12-1946. Filed for public inspection October 5, 2012, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**

**[ 67 PA. CODE CH. 255 ]**

**Messenger Services**

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 6103 (relating to promulgation of rules and regulations by department), amends § 255.4 (relating to bond) and rescinds § 255.7 to read as set forth in Annex A. This rulemaking is being submitted as a final regulation with proposed rulemaking omitted under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL). Insofar as these sections have been superseded by amendments to 75 Pa.C.S. (relating to Vehicle Code), specifically 75 Pa.C.S. § 7502.1(a) (relating to supersession), public notice of the proposed rulemaking is unnecessary, impractical and contrary to the public interest under 204(c) of the CDL.

*Purpose of Chapter 255*

The purpose of Chapter 255 (relating to messenger services) is to establish the rules regarding the qualifications and duties of messenger services.

*Purpose of the Final-Omitted Rulemaking*

The purpose of this final-omitted rulemaking is to amend or rescind the parts of Chapter 255 that have been expressly superseded by 75 Pa.C.S. § 7502.1(a). Section 7502.1 of 75 Pa.C.S. provides that Department regulations regarding the amount of a bond, hearings, written warnings, suspensions, revocations and fines do not apply to a messenger service under contract with the Department. As required under 75 Pa.C.S. § 7501 (relating to authorization of messenger and agent services), messenger services are now performed under contract with the Department.

*Persons and Entities Affected*

This final-omitted rulemaking will not affect persons or entities as the affected sections were expressly superseded by 75 Pa.C.S. § 7502.1(a).

*Fiscal Impact*

This final-omitted rulemaking will not result in the expenditure of additional funds by the Commonwealth or local municipalities.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on August 10, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Commit-

tees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on September 19, 2012, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 20, 2012, and approved the final-omitted rulemaking.

#### *Sunset Provisions*

The Department is not establishing a sunset date.

#### *Contact Person*

The contact person for this final-omitted rulemaking is Andrew C. Cleaver, Department of Transportation, Bureau of Motor Vehicles, Customer Service Division, 4th Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, [acleaver@pa.gov](mailto:acleaver@pa.gov).

#### *Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 225, are amended by deleting § 255.7 and by amending § 255.4 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau, as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, P.E.,  
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6352 (October 6, 2012).)

**Fiscal Note:** 18-427. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 67. TRANSPORTATION**

#### **PART I. DEPARTMENT OF TRANSPORTATION**

#### **Subpart A. VEHICLE CODE PROVISIONS**

#### **ARTICLE IX. MISCELLANEOUS PROVISIONS**

#### **CHAPTER 255. MESSENGER SERVICES**

#### **§ 255.4. Bond.**

(a) *General.* Messengers shall file and maintain with the Department bonds in the amount as set forth in the Messenger Services Agreement, executed by a surety company authorized by law to transact business within this Commonwealth.

(1) The bond shall be for the use of the Commonwealth and persons who have sustained a monetary loss attributable to the intentional or negligent conduct of the messenger service or its agents or employees, including, but not limited to, losses incurred in negotiating checks or other instruments drawn by the messenger service.

(2) If the amount of the bond is decreased, or if there is a final judgment outstanding on the bond, the messenger service's certificate of authorization shall be suspended until steps are taken, satisfactory to the Department, to do one of the following:

- (i) Restore the original amount of the bond.
- (ii) Satisfy the judgment.

(b) *Substitute.* If the bond is terminated or becomes unsatisfactory for any reason, the authorization to operate a messenger service will be suspended or terminated until the messenger service furnishes the Commonwealth with a satisfactory substitute bond in the amount required by the Messenger Services Agreement.

#### **§ 255.7. (Reserved).**

[Pa.B. Doc. No. 12-1947. Filed for public inspection October 5, 2012, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective September 14, 2012.

The organization chart at 42 Pa.B. 6294 (October 6, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

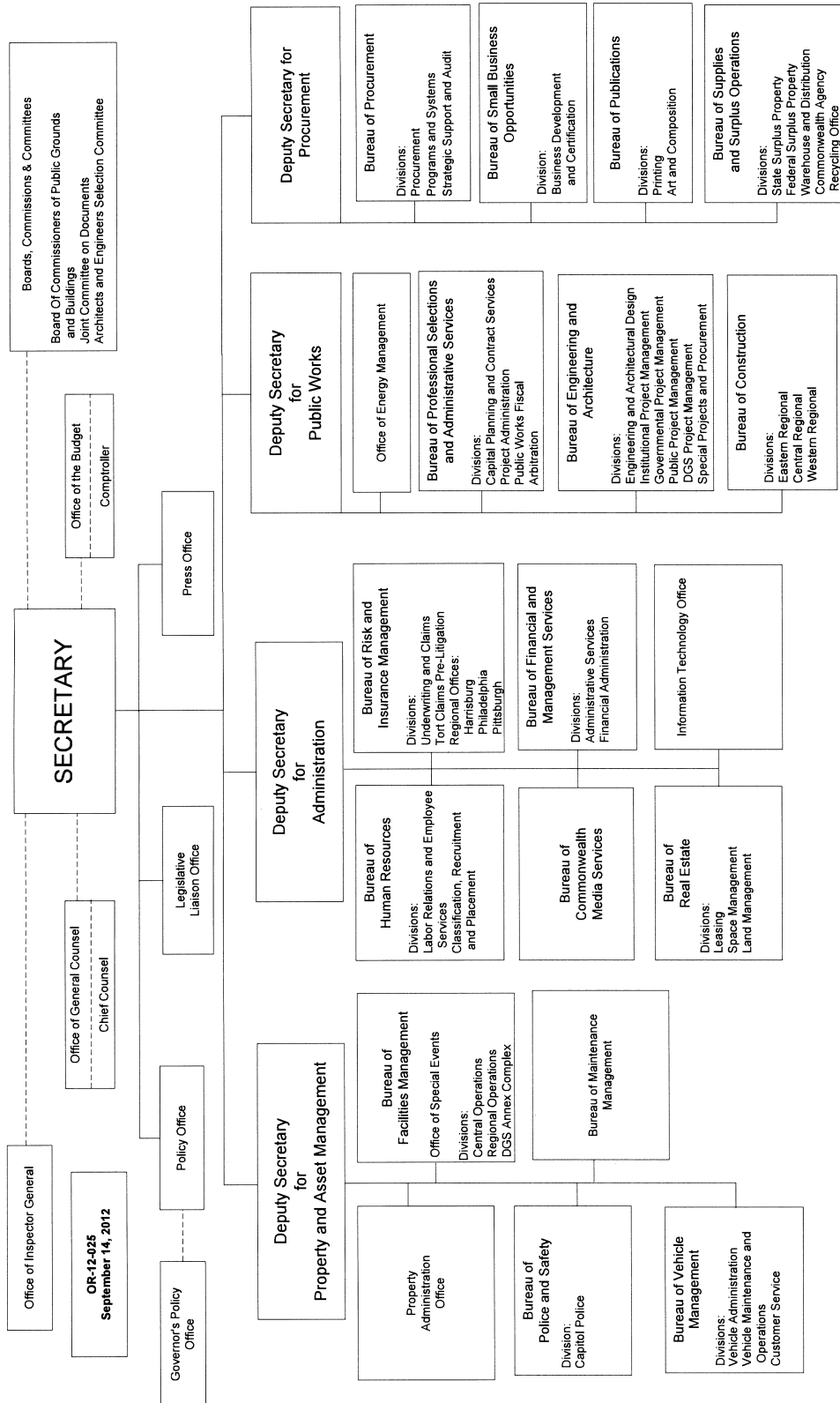
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 12-1948. Filed for public inspection October 5, 2012, 9:00 a.m.]

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## DEPARTMENT OF GENERAL SERVICES



# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 18, 2012.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-12-2012	Riverview Bank Marysville Perry County	2650 Westview Drive Wyomissing Berks County	Approved
9-13-2012	Peoples Neighborhood Bank Hallstead Susquehanna County	275 Main Street Binghamton Broome County, NY	Approved
9-18-2012	Marion Center Bank Indiana Indiana County	279 Beaver Street Hastings Cambria County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-12-2012	Northwest Savings Bank Warren Warren County	499 River Road Weedville Elk County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-17-2012	Peoples State Bank of Wyalusing Wyalusing Bradford County	Filed

Articles of Incorporation amended and restated in their entirety to change the name of the institution to "PS Bank" as well as change the location of their principal place of business from 201 Church Street, Wyalusing, to 76 Church Street, Wyalusing.

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-1949. Filed for public inspection October 5, 2012, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### I. NPDES Renewal Applications

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063096 (Sewage)	Seiders Hill Inc. STP SR 901 Gordon Nagle Trail Pottsville, PA 17901	Schuylkill County North Manheim Township	West Branch Schuylkill River (3-A)	Y
PA0012394 (Industrial Waste)	Harsco Industrial Patterson-Kelley 100 Burson Street East Stroudsburg, PA 18301	Monroe County East Stroudsburg Borough	Sambo Creek (1-E)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062863 (Sewage)	Pike County Correctional Facility 175 Pike County Boulevard Lords Valley, PA 18428	Pike County Blooming Grove Township	Billings Creek (1-D)	Y

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0246646 (Sew)	Copart Auto Auction 8 Park Drive Grantville, PA 17028	Lebanon County / East Hanover Township	UNT Swatara Creek / 7D	Y
PA0261017 (Sew)	Anna & Stanley Almony 302 Gemmill Road Delta, PA 17314	York County Peach Bottom Township	Neil Run / 7-I	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0028274 (Sewage)	New Wilmington Boro STP, 155 Maple Street Extension, New Wilmington, PA 16142-1104	Lawrence County New Wilmington Borough	Little Neshannock Creek (20-A)	Y

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0033774**, Sewage, SIC Code 6515, **Carl E. Dallmeyer**, 4775 N Sherman Street, Mt Wolf, PA 17347. Facility Name: Regent Acres MHP. This existing facility is located in Newberry Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Fishing Creek, is located in State Water Plan watershed 7-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.032	XXX	0.064
CBOD <sub>5</sub>	XXX	XXX	XXX	15.0	XXX	30.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0248088**, Sewage, SIC Code 4952, **Franklin Township Municipal Authority**, 55 Scott School Road, Ortanna, PA 17353. Facility Name: Cashtown-McKnightstown STP. This existing facility is located in Franklin Township, **Adams County**.



Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.500 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.026	XXX	0.084
CBOD <sub>5</sub>	104	167	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	125	188	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	8.3	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	25	XXX	XXX	6.0	XXX	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0083020**, Sewage, SIC Code 4952, **Forbes Road School District**, 159 Red Bird Drive, Waterfall, PA 16689-7138. Facility Name: Forbes Road High School & Elementary School. This existing facility is located in Taylor Township, **Fulton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), unnamed tributary of Elders Branch, is located in State Water Plan watershed 12-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	20	XXX	40

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Total Suspended Solids	XXX	XXX	XXX	20	XXX	30
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	Report	XXX	Geo Mean Report	XXX	XXX
Total Phosphorus	XXX	Report	XXX	Annl Avg Report	XXX	XXX
				Annl Avg		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2210401, Amendment 12-1**, Sewerage, **Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16602.

This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Upgrade to existing treatment plant, construction of an additional package wastewater treatment train with a capacity of 5,000 gpd (Total+7,500 gpd) at Store 461.

**WQM Permit No. 0612203**, Industrial Waste, **NGK Metals Corporation**, 917 US Highway 11 South, Sweetwater, TN 37874-5730.

This proposed facility is located in Reading City Township, **Berks County**.

Description of Proposed Action/Activity: Seeking reactivating the GWTS and equipping with a new granular activated alumina system to remove fluoride and meet the discharge criteria.

**WQM Permit No. 3612204**, CAFO, **Kreider Farms** 455 Indian Village Road Manheim, PA 17545.

This proposed facility is located in Penn Township Township, **Lancaster County**.

Description of Proposed Action/Activity: The construction of a reinforced concrete manure storage facility consisting of 5 sections. The first two sections have dimensions of 47.17' x 8' x 4'. The middle two sections have dimensions of 46.5' x 8' x 6'. The final section has dimensions of 28.66' x 76' x 12'. These segments are connected and the manure is able to flow freely from section to section.

### IV. NPDES Applications for Stormwater Discharges from MS4

### V. Applications for NPDES Waiver Stormwater Discharges from MS4

### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1506058-R	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Chester	Wallace Township	East Branch Brandywine Creek (HQ-TSF-MF)
PAI01 151225	Liberty Property, LP 500 Chesterfield Parkway Malvern, PA 19355	Chester	Tredyffrin Township	Valley Creek (EV)
PAI01 151226	TPT Partners, LP 910 Germantown Pike Plymouth Meeting, PA 19462	Chester	North Coventry Township	Unnamed Tributary Schuylkill River (HQ-TSF)
PAI01 151227	Mark E. Stoltzfus 370 Swamp Road Morgantown, PA 19543	Chester	Honey Brook Township	Unnamed Tributary East Branch Brandywine Creek (HQ-TSF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 151228	Paul S. Lapp 961 West Kings Highway Coatesville, PA 19320-2197	Chester	West Caln Township	Birch Run (HQ-TSF-MF)
PAI01 151229	Jonas L. Stoltzfus 290 Oxford Road Oxford, PA 19363	Chester	East Nottingham Township	Unnamed Tributary West Branch Big Elk Creek (HQ-TSF)
PAI01 151230	Carol Altemose 4326 Whitehorse Road Malvern, PA 19355-8689	Chester	Charlestown Township	Unnamed Tributary Pickering Creek (HQ-TSF)
PAI01 151231	Bentley Systems, Inc. 685 Stockton Drive Exton, PA 19341	Chester	Upper Uwchlan Township	Marsh and Shamona Creeks (HQ-TSF)
PAI01 231105	Castleways Properties 101 Industrial Highway Mailstop 1, Bldg E, Ste 101 Lester, PA 19113	Delaware	Tinicum Township	Tributary Delaware River (WWF-MF)
PAI01 2303009-R	Toll PA VI, LP 1180 Station Boulevard Chester Springs, PA 19425	Delaware	Upper Providence Township	Ridley Creek (HQ-TSF)
PAI01 511204	Extra South 49th Street, LLC 1600 Washington Avenue Philadelphia, PA 19146	Philadelphia	City of Philadelphia	Schuylkill River Watershed (CWF-MF)
PAI01 511205	Sysco of Philadelphia, LLC 600 Packer Avenue Philadelphia, PA 19148	Philadelphia	City of Philadelphia	Delaware River (WWF)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023912018	Lehigh-Northampton Airport Authority Brian Sinnwell 3311 Airport Rd. Allentown, PA 18109	Lehigh	Hanover Twp. and Borough of Catasauqua	Unnamed Tributary to Catasauqua Creek, HQ-CWF, MF; Unnamed Tributary to Lehigh River, CWF, MF

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024812005	Pennsylvania American Water David R. Kaufman 800 West Hershey Park Drive Hershey, PA 17033	Northampton	Plainfield Twp.	Bushkill Creek, HQ-CWF, MF

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI053012001	Consol PA Coal Co., LLC 1525 Pleasant Grove Road Claysville, PA 15323	Greene	Morris Township	Patterson Creek (HQ-WWF)
PAI053012002	Southwestern PA Water Authority 1442 Jefferson Rd Jefferson, PA 15344	Greene	Center Township Wayne Township	UNT to Pursley Creek (HQ-WWF) Pursley Creek (HQ-WWF) Maple Run (HQ-WWF)

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**VII. List of NOIs for NPDES and/or Other General Permit Types**


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PAG-12                      CAFOs

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**CAFO Notices of Intent Received**


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*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**PAG123591**, CAFO, **Dennis C. Ulrich**, 330 Brown Road Bethel, PA 19507.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: The operation consists of one high rise layer house with 112,000 layers.

The receiving stream, Mill Creek, is in watershed 7-D and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123530**, CAFO, **Joe Burkholder**, 1440 Division Highway Ephrata, PA 17522.

This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: The operation consists of 2,180 hogs.

The receiving stream, Bowman Run, is in watershed 7-J and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Samuel & Elmer King King Farms LLC 51B Parkside Inn Rd Bernville, PA 19506	Berks	0	590.63	Layer	NA	New

Mailing address:  
3382B West Newport  
Ronks, PA 17572



<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Lost Creek Farm Brent Hershey 586 Benner Road McAlisterville, PA 17049	Juniata	151	942.5	Swine	NA	Renewal

## PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

#### Application No. 4812506 Public Water Supply.

Applicant	<b>Aqua PA Inc. Evanwood System</b>
[Township or Borough]	Moore Township <b>Northampton County</b>
Responsible Official	Patrick R. Burke Regional Manager 1 Aqua Way White Haven, PA 18661

Type of Facility	Public Water Supply
Consulting Engineer	CET Engineering Services Jonathan Morris, PE 1240 North Mountain Road Harrisburg, PA. 17112
Application Received Date	August 31, 2012
Description of Action	This project provides for modifications to the Evanwood well including the addition of a polyphosphate for sequestration and replacing the existing disinfection system and hydro pneumatic tanks.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

#### Application No. 6712516 MA, Minor Amendment, Public Water Supply.

Applicant	<b>New Life For Girls Inc.</b>
Municipality	Conewago Township
County	<b>York</b>
Responsible Official	1 - Not Available PA
Type of Facility	Public Water Supply
Consulting Engineer	1—Not Available
Application Received:	9/20/2012
Description of Action	Installation of 9 120-gallon chlorine contact tanks and demonstration of 4-log treatment of viruses.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

#### Permit No. 2512507, Public Water Supply

Applicant	<b>Sunny Acres Mobile Home Park</b>
Township or Borough	Venango Township
County	<b>Erie</b>
Responsible Official	Charles L. Bauer
Type of Facility	Public Water Supply
Consulting Engineer	Chad W. Yurisc, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	September 18, 2012
Description of Action	Add storage at well house for chlorine contact time.

## MINOR AMENDMENT

### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

#### Application No. 3540043

Applicant	<b>UMH PA Frieden Manor, LLC</b>
[Township or Borough]	Wayne Township <b>Schuylkill County</b>
Responsible Official	Anna Chew, Treasurer 3499 Route 9 North, Suite 3C Freehold, NJ 07728
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	September 15, 2012
Description of Action	Application for transfer the PWS operation permit for Frieden Manor Mobile Home Court from ARCPA Properties, LLC to UMH PA Frieden Manor, LLC.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a

summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Miners Plaza**, 2880 Pottsville Minersville Highway, Branch Township, **Schuylkill County**, Kyle Zimmerman and Justin Shappell, United Environmental Services, Inc., have submitted a Notice of Intent to Remediate on behalf of their client, James Miller, MBC Development LP, PO Box 472, 950 East Main Street, Schuylkill Haven, PA 17972, concerning the remediation of soil from No. 2 fuel oil as a result of a leaking underground storage tank. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soil. The intended future use of the site is commercial. A summary of the Notice of Intent to remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

#### Application(s) for Determination of Applicability Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**General Permit Application No. WMGR038SC007. Edge Pennsylvania, LLC dba Edge Rubber**, 811 Progress Road, Chambersburg, PA 17201

The Southcentral Regional Office, Waste Management Program received an application on September 6, 2012 for a determination of applicability (DOA) under Residual Waste General Permit No. WMGR038 for the Edge Rubber's facility located at 1711 Opportunity Way, Chambersburg, PA in Greene Township, **Franklin County**. This general permit is for processing waste tires and tire-derived material for fuel and consumer products.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Facilities Manager, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **RESIDUAL WASTE—RENEWAL OF GENERAL PERMIT**

##### **Application for General Permit, Determination of Applicability Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR090R020. Keystone Lime Company**, 1136 Christner Hollow Road, Springs, PA 15562. The application for renewal was deemed to be administratively complete by Central Office on September 20, 2012. This application is for renewal of a residual waste general permit for beneficial use of reclaimed asphalt pavement (RAP) materials.

The application for Keystone Lime Company has been found to be administratively complete. A notice of the application has been submitted for publication in the *Pennsylvania Bulletin*. Upon publication, DEP will allow for an open public comment period of sixty days materials.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**General Permit Application No. WMGR081D001. Unicor—Federal Prison Industries, Inc.**, 2400 Robert F. Miller Drive, Lewisburg, PA 18737. This application is for renewal of a residual waste general permit for processing of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for renewal was deemed to be administratively complete by Central Office on September 20, 2012.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**General Permit Application No. WMGR081D037. GER Solutions, LLC dba, Free-Cycle**, 795 Roble Road, Allentown, PA 18109. This application is for renewal of a residual waste general permit for processing of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for renewal was deemed to be administratively complete by Central Office on September 21, 2012.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472,

717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*



**46-0277: Lite-Tech, Inc.** (975 Madison Avenue, Norristown, PA 19403) for their manufacturing facility for lightweight x-ray protection aprons in Lower Providence Township, **Montgomery County**. The facility comprises weighing and blending, plastics compounding and sheet extrusion equipment and associated dust collectors. This is a minor facility. Emissions from the facility are estimated as 0.11 ton/year particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>), 0.0012 ton/year lead and 0.025 ton/year hazardous air pollutants (HAP). The dust collectors will achieve less than 0.02 grain/dry stand cubic foot particulate (PM/PM<sub>10</sub>/PM<sub>2.5</sub>). This will be considered to meet Best Available Technology (BAT). The permittee shall monitor and keep records and meet work practice standards to minimize emissions and keep the facility operating within all applicable emission standards.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**01-05016Q: SGI, Inc.—Charmian Quarry** (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of Baghouse (Control ID H01) on Source ID 403A, Undersize Material Handling System, located in Hamiltonban Township, **Adams County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval Number 01-05016Q (PA) to the above mentioned company for the above mentioned project. Source ID 403A comprised of three subunits referenced in the PA Section D are at the site; those were manufactured in 1982, prior to the 40 CFR NSPS, Subpart OOO applicability date. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

The company shall be subject to and comply with the relevant provisions of the *Pennsylvania Code* including Chapters 123, 127, and 129. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The use of fabric collectors to control the particulate matter emissions from the source is considered to be Best Available Technology (BAT). The estimated potential controlled particulate matter emission from this plan approval is less than 1 tpy and the potential to emit TSP shall decrease by a small amount due to control efficiency of a baghouse compared to the existing wet suppression system.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, New Source Review Chief, may be contacted at 717-705-4863, or at DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**60-00020A: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837-) for the construction of two surface coating spray booths and an abrasive blasting booth in Buffalo Township, **Union County**. The respective facility is a natural minor facility for which a state only operating permit has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Pik Rite, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The volatile organic compound, volatile hazardous air pollutant and particulate matter emissions from the surface coating operation and abrasive blasting operation will not exceed 38.50 tons 9.83 tons and 16.59 tons per year, respectively.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission and material throughput restrictions to limit the emission of volatile organic compounds, volatile hazardous air pollutants and particulate matter.

Work practice requirements to operate the source with good air pollution control practices.

Recordkeeping conditions to verify compliance with the emission and throughput limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to David Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*



**63-00965A: M3 Appalachia Gathering, LLC** (1099 Main Avenue, Suite 210, Durango, CO 81301) to issue a Plan Approval (PA-63-00965A) to authorize the construction and operation of the Twilight Compressor Station in West Pike Run Township, **Cambria County**.

The facility's main sources include four (4) Caterpillar G3612 3 compressor engines rated at 3,550 bhp, two (2) Caterpillar G3516B compressor engines rated at 1,380 bhp, two (2) PESCO TEG dehydrators rated at 125 MMBtu/hr, two (2) PESCO reboilers rated at 2.0 MMBtu/hr, and five (5) Condensate/Storage tanks of various capacities. The emissions are controlled in Caterpillar engines by oxidation catalysts of GT Exhaust Systems, and regulated by air/fuel ratio controllers.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 97 tons of nitrogen oxides, 23 tons of carbon monoxide, 44 tons of volatile organic compounds, 4 tons of formaldehyde, 2 tons of particulate matter, and 74,318 tons of carbon dioxide equivalents (greenhouse gases). The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the PA have been derived from the applicable requirements of 40 CFR Parts, 60, 63, 98 and 25 Pa. Code Chapters 21, 123, and 127.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify PA-63-00965A) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4030.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00199: Alcom Printing Group, Inc.** (140 Christopher Lane, Harleysville, PA 19438) for operation of seven (7) lithographic printing presses at Alcom Printing in Lower Salford Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. Facility-wide potential to emit volatile organic compound (VOC) emissions are less than 25 tons per year; therefore, the facility is a Natural Minor. The facility is an area source for hazardous air pollutants (HAP) emissions. Press 7 (Source ID 107), previously operating under General Permit No. GP10-46-0040, will be incorporated into the

facility wide permit with this renewal. There are no applicable federal requirements for this facility. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00149: Heinz North America** (250 Hansen Access Road, King of Prussia, PA 19406) for renewal of an air quality permit for two (2) boilers in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. There is one new regulation that applies to these boilers (40 CFR 63, Subpart JJJJJJ), which has been incorporated into the operating permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00258: Bryn Mawr College** (101 N. Merion Avenue, Bryn Mawr, PA 19010) for a Non-Title V Facility, State-Only, Synthetic Minor Permit in Lower Merion Township, **Montgomery County**. The sources of emissions include boilers and emergency generators. The company took fuel restrictions on natural gas and #2 fuel oil to reduce NO<sub>x</sub> and SO<sub>x</sub> emissions. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**23-00031: Mercy Fitzgerald Hospital** (1500 Lansdowne Avenue, Darby, PA 19023-1291) for renewal of a State Only, Synthetic Minor Operating Permit in Lower Darby Borough, **Delaware County**. The facility operates three boilers and three emergency generators. This proposed renewal of the Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO<sub>x</sub> emissions to less than 25 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**38-05004: Kountry Kraft, Inc.** (P. O. Box 570, Newmans-town, PA 17073) for operation of a wood kitchen cabinet manufacturing facility in Millcreek Township, **Lebanon County**. This is a renewal of their State-Only Operating Permit issued in 2007.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions around 17.1 tpy VOC, 1.4 tpy of a single HAP (xylene), and 1.8 tpy combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours

at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**06-03102: City of Reading** (815 Washington Street, Reading, PA 19601) for the waste water treatment plant in the City of Reading, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 5 tpy of nitrogen oxides and 1 tpy of carbon monoxide. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00053: Nydree Flooring LLC.** (4608 Quehanna Highway, Karthaus, PA 16845) for their hardwood floor manufacturing facility in Karthaus Township, **Clearfield**

**County.** In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 7.35 TPY of CO; 5.64 TPY of NO<sub>x</sub>; 11.92 TPY of SO<sub>x</sub>; 4.84 TPY of PM/PM<sub>10</sub>; 6.12 TPY of VOC and 0.18 TPY of total HAPs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, PA 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

**41-00051: Wirerope Works, Inc.** (100 Maynard Street, Williamsport, PA 17701) for renewal of the State Only (Synthetic Minor) Operating Permit for their Williamsport facility in the City of Williamsport, **Lycoming County**. The facility is currently operating under SMOP 41-00051. The facility's main sources include two coal-fired boilers; sixteen natural-gas-fired combustion units; three electric-heated grease pots; and the machine/maintenance shop. The facility has potential emissions of 41.75 tons per year of carbon monoxide, 45.62 tons per year of nitrogen oxides, 91.77 tons per year of sulfur oxides, 25.85 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 49.9 tons per year of volatile organic compounds, 8.42 tons per year of total hazardous air pollutants (HAPs), and 51,288 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63, and 25 Pa. Code Chapters 121—145.

The proposed State Only (Synthetic Minor) operating permit for renewal has incorporated applicable MACT requirements to the sources at the facility. The proposed State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.



All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 41-00051) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David Shimmel, P.E. Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00250: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for operation of a coal processing plant at Long Run Mine in West Franklin Township, **Armstrong County**. This is a State Only Operating Permit submittal.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**N12-029: US Postal Service** (7500 Lindberg Boulevard Philadelphia, PA 19176) for the operation of a United States Postal Service in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Three (3) Boilers less than 8 MMBTU/hr firing natural gas, One (1) Emergency generator firing diesel fuel oil, Six (6) Hot water and air heaters less than 0.5 MMBTU/hr firing natural gas, Fifty-two (52) heaters less than 100,000 BTU/hr firing natural gas.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Con-

trol Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### Coal Applications Received

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56070102 and NPDES No. PA0262307. Wilson Creek Energy, LLC**, 140 W. Union Street, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 24.8 acres. Receiving stream(s): Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received: September 11, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26970107 and NPDES Permit No. PA0589802. David L. Patterson, Jr.** (12 Short Cut Road, Smithfield, PA 15478). Renewal application for reclamation only to an existing bituminous surface mine, located in Nicholson

Township, **Fayette County**, affecting 100.2 acres. Receiving streams: unnamed tributaries to Jacobs Creek, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Masontown Borough Municipal System. Renewal application received: August 30, 2012.

**03060104 and NPDES Permit No. PA0250996. Rosebud Mining Co.** (301 Market Street, Kittanning, PA 15601). Renewal application for reclamation only to an existing bituminous surface mine, located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: unnamed tributaries to Campbell Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 13, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17860144 and NPDES No. PA0115711. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 324.0 acres. Receiving stream: Shimel Run and Unnamed Tributary to Moshannon Creek classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 20, 2012.

#### *Noncoal Applications Received*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**28010302 and NPDES Permit No. PA0224162, David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202-9655, renewal of NPDES Permit, Antrim Township, **Franklin County**. Receiving stream(s): UT to Muddy Run classified for the following use(s): high quality—cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26050401 and NPDES Permit No. PA0250643. Laurel Aggregates of Delaware, LLC** (1600 Market Street, 38th Floor, Philadelphia, PA 19102). Revision application for the addition of 59 acres to an existing large noncoal surface mine, located in Springhill and Georges Townships, **Fayette County**, affecting 171.7 acres. Receiving streams: Rubles Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: September 18, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08910302. Bishop Brothers Construction Company, Inc.** (P. O. Box 289, Ulster, PA 18850). Revision to an existing large noncoal permit to add 2.4 acres located in Sheshequin Township, **Bradford County** affecting 14.4 acres. Receiving streams: Unnamed Tributary to Susquehanna River classified as a Warm Water Fishes. Application received: September 17, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58040868. Douglas Barnhart**, (895 Route 369, Lot 78, Chenango Forks, NY 13746), Stage I & II bond release of

a quarry operation in Liberty Township, **Susquehanna County** affecting 1.0 acre on property owned by Douglas Barnhart. Application received: August 16, 2012.

**7775SM6C11 and NPDES Permit No. PA0119121. Glen-Gery Corp.**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County** affecting 114.7 acres, receiving stream: unnamed tributary to Schuylkill River, classified for the following use: warm water fishes. Application received: September 13, 2012.

**7775SM9A2C10 and NPDES Permit No. PA0595659 Glen-Gery Corp.**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County** affecting 225.0 acres, receiving stream: unnamed tributary to Schuylkill River, classified for the following use: warm water fishes. Application received: September 13, 2012.

**7775SM11A2C5 and NPDES Permit No. PA0595101. Glen-Gery Corp.**, (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation to update the post-mining land use to include the option for residential development in Lower Heidelberg Township, **Berks County** affecting 181.6 acres, receiving stream: unnamed tributary to Cacoosing Creek, classified for the following uses: cold water and migratory fishes. Application received: September 13, 2012.

**64120802 and NPDES Permit No. PA0225321. Robert Mackrell**, (710 Justus Boulevard, Clarks Summit, PA 18411), commencement, operation and restoration of a bluestone quarry operation and NPDES Permit for discharge of treated mine drainage in Buckingham Township, **Wayne County** affecting 5.0 acres, receiving stream: Equinunk Creek, classified for the following use: HQ-cold water fishery. Application received: September 10, 2012.

#### **MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:



<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges

associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0262412 (Mining permit no. 32070105), Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, renewal of an NPDES permit for a coal surface mine permit in Washington Township, **Indiana County**, affecting 40.2 acres. Receiving stream(s): South Branch Plum Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the South Branch Plum Creek TMDL. Application received: July 25, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to South Branch Plum Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond 1	No

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES No. PA0593303 on Surface Mining Permit No. 54860105. Kuperavage Enterprises, Inc.**, (P. O. Box 99, Middleport, PA 17953), revision & renewal of an NPDES Permit for an anthracite surface mine, coal refuse disposal and coal preparation/processing facility operation in Blythe Township, **Schuylkill County**, affecting 273.84 acres. Receiving stream: unnamed tributary to Schuylkill River, classified for the following uses: cold water fishes and migratory fishes. Application received: August 24, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for coal mining activities.

“Non-Discharge” permit with applicable BMP’s.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E22-586: Southside Community Partners**, 777 Middletown Road, Hummelstown, Pennsylvania 17057, in Derry Township, **Dauphin County**, ACOE Baltimore District

To develop a 12.4-acre commercial park and to: 1) construct and maintain a 60.0-linear foot, 67.0-inch by 96.0-inch corrugated steel pipe arch, 2) extend dual 48.0-inch diameter corrugated metal pipes 15.0 linear feet, 3) relocate 511.0 linear feet of an unnamed tributary to Swatara Creek, 4) extend and maintain an 18.0-inch diameter reinforced concrete stormwater outfall with riprap outlet protection, 5) construct and maintain a 12.0-inch diameter smooth lined plastic pipe stormwater outfall with riprap outlet protection, 6) construct and maintain a 15.0-inch diameter corrugated plastic pipe stormwater outfall with riprap outlet protection, 7) construct and maintain a stormwater outfall swale with riprap protection, 8) construct and maintain a stormwater outfall swale with riprap protection all in and along an unnamed tributary to Swatara Creek, which is a perennial stream classified as a Warm Water Fishery, 9) permanently fill 739.0 square feet of palustrine emergent wetland, and 10) place and maintain 922.0 cubic yards of fill in the floodway of an unnamed tributary to Swatara Creek, which is a perennial stream classified as a Warm Water Fishery. The project proposes to directly affect 511.0 linear feet of stream, 0.02 acre of wetland, and approximately 0.02 acre of floodway (Middletown, PA Quadrangle; Latitude: 4°14'35.9", Longitude: -76°42'24.1").

**E36-906: County of Lancaster**, 150 North Queen Street, Suite 612, Lancaster, Pennsylvania 17603, in East Cocalico Township, **Lancaster County**, ACOE Baltimore District

To remove an existing deficient steel bridge and construct a new reinforced concrete bridge in approximately the same location over Cocalico Creek (WWF, MF) for the purpose of improving safety. The project proposes to raise the approaches 2.0 feet above the existing elevations to increase the floodway capacity. Approximately 3,300.0 square feet of Cocalico Creek floodplain will be permanently impacted. The project is located on Wabash Road (Ephrata, PA Quadrangle; N: 26 inches, W: 17 inches; Latitude: 40°12'14.7", Longitude: -76°08'50") in East Cocalico Township, Lancaster County. No wetlands will be disturbed.

**E36-911: Jean Christophe Sibileau, Fleur de Lait East, LLC (Alouette Cheese USA)**, 400 South Custer Avenue, New Holland, Pennsylvania 17557-9220, in New Holland Borough and Earl Township, **Lancaster County**, ACOE Baltimore District

To install and maintain a 48.0-inch high by 76.0-inch wide elliptical reinforced concrete pipe stormwater outfall and riprap outfall protection in an unnamed tributary to Mill Creek (WWF) (Latitude 40°05'48", Longitude -76°05'21"). The project is proposed to provide more efficient stormwater management and alleviate flooding along West Jackson Street and South Custer Avenue in New Holland. Approximately 40.0 lineal feet of streambank will be permanently impacted. No wetlands will be disturbed.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E59-514. I-99 Commerce Park, LLC**, 3000 Atrium Way, Suite 261, Mount Laurel, NJ, 08054-3926. I-99 Commerce Park land development project in Mansfield Borough, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle Latitude: 41° 48' 05.20"; Longitude: 77° 05' 12.58").

I-99 Commerce Park, LLC proposes to construct, operate and maintain fill within 0.292 acre of jurisdictional wetlands associated with an Unnamed Tributary to the Tioga River (Warm Water Fishery) for the purpose of developing five commercial/industrial lots. On-site wetland mitigation replacement at a 1:1 ratio is proposed for the permanent wetland impacts. The project is located at the southeast corner of SR 15 and SR 6 interchange in the Borough of Mansfield.

*Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E32-499. Pennsylvania Department of Transportation Engineering District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701, in Brush Valley Township, **Indiana County**; U.S. Army Corps of Engineers, Pittsburgh District.

Applicant is proposing to remove the existing SR 56 two lane, 36 foot wide by 32 foot long single span bridge having a minimum underclearance of 6.9 feet; construct and maintain a replacement two lane 25 foot wide by 91 foot long by 11 foot underclearance box culvert depressed 1 foot in Brush Creek (HQ-CWF) with a drainage area of 8 square miles.

In addition a total of 0.16 acre of permanent PEM/PSS exceptional value wetland will be filled and maintained; construct and maintain 260 feet of stream relocation on Brush Creek; a total of 582 feet of permanent impact to Brush Creek; installation of road associated stormwater outfalls; construct and maintain 0.72 acre of wetland mitigation at the site; and construct and maintain stream mitigation off site.

This project is associated with SR 56 improvement work with these encroachments extending approximately 0.25 mile east of the village of Brush Valley in Brush Valley Township, **Indiana County** (beginning Brush Valley PA Quadrangle, North 3.8 inches and West 7.5 inches; Latitude 40° 31' 14" and Longitude -79° 3' 16" and extending North 7.8 inches and West 3.7 inches; Latitude 40° 31' 13" and Longitude -79° 3' 21").

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E42-359 Hancock Forest Management**, 202 East Main St., PO Box 3304. Colegrove Ford in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 41°, 42', 29"; W: 78°, 21', 06").

To restore and maintain an existing 10' long ford crossing of Colegrove Brook with an upstream to downstream width of roughly 5' by means of clean limestone cover. No excavation or earth disturbance to occur.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-035: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a permanent road crossing using a 65 foot long, 15 inch diameter high density polyethylene culvert pipe impacting 45 linear feet of an unnamed tributary to French Lick Creek (EV) and 180 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Ralston, PA Quadrangle 41°34'47"N 76°58'31"W);

The project will result in 45 linear feet of temporary stream impacts and 180 square feet (0.01 acre) of temporary wetland impacts, all for the purpose of installing a well site access road in Delmar Township, Tioga County.

**E0829-061: Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Stevens Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 11,892 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 45'08", Longitude: -76° 10'28");

2. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2,744 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 45'04", Longitude: -76° 10'19");

3. a timber mat bridge impacting 44 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 45'10", Longitude: -76° 10'09");

4. A 16 inch and a 12 inch diameter natural gas line, and a 16 inch diameter water line impacting 47 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°45'31", Longitude: -76°09'09");

5. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 94 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and impacting 3,441 square feet of a Palustrine Forested Wetland (Le Raysville, PA Quadrangle, Latitude: 41°45'33", Longitude: -76°09'05");

6. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and impacting 1,263 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°45'33", Longitude: -76°09'05");

7. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 167 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and impacting 7,057 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°45'51", Longitude: -76°09'00");



8. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 70 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and impacting 392 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°45'52", Longitude: -76°08'59");

9. A 16 inch and a 12 inch diameter natural gas line, and a 16 inch diameter water line impacting 73 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°45'54", Longitude: -76°08'57");

10. A 16 inch and a 12 inch diameter natural gas line, and a 16 inch diameter water line impacting 99 linear feet of an unnamed tributary to Wyalusing Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°45'54", Longitude: -76°08'55");

The project will result in 560 linear feet and 3,092 square feet of temporary stream impacts and 23,392 square feet (0.54 acre) of temporary PEM wetland impacts and 3,441 (0.08 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

**E0829-062: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'40", Longitude: -76°19'31").

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 692 square feet of a

Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'45", Longitude: -76°19'35").

3. two 16 inch temporary waterlines and a timber mat bridge impacting 25 linear feet of North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'45", Longitude: -76°19'37");

4. two 16 inch temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°19'52");

5. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 4,108 square feet of a Palustrine Emergent and Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'08", Longitude: -76°20'08").

6. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°34'13", Longitude: -76°20'19").

7. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) and impacting 6,572 square feet of an adjacent Palustrine Emergent and Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'14", Longitude: -76°20'20").

The project will result in 109 linear feet and 805 square feet of temporary stream impacts and 11,372 square feet (0.26 acre) of temporary PEM and PSS wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.



Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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### **I. NPDES Renewal Permit Actions**

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### **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**NPDES Permit No. PA0011533**, IW, **Philadelphia Energy Solutions Refining and Marketing, LLC**, 3144 W. Passyunk Avenue, Philadelphia, PA 19145-5208.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for a transfer of an NPDES permit to discharge industrial process wastewater from a facility known as Girard Point Processing Area to Schuylkill River in Watershed 3F.

**NPDES Permit No. PA0026182 Amendment No. 1**, Sewage, **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge an annual average flow of 3.2 MGD (increased from 2.6 MGD) of treated sewage from a facility known as Lansdale Borough STP to Unnamed Tributary to West Branch Neshaminy Creek in Watershed 2F-Neshaminy.

**NPDES Permit No. PA0050466**, Sewage, **East Vincent Township**, 262 Ridge Road, Spring City, PA 19475-2203.

This proposed facility is located in East Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.5 MGD of treated sewage from a facility known as Veterans Center STP to Unnamed Tributary to Schuylkill River in Watershed 3-D.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0026379**, Sewage, **Bradford Sanitary Authority**, 28 Kennedy Street, Bradford, PA 16701-2006. Facility Name: Bradford STP.

This existing facility is located in Foster Township, **McKean County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The final NPDES permit includes these changes from the draft permit: an extension of the timeline to meet the final copper limits, addition of a Toxic Reduction Evaluation special condition, and modification of the eDMR special condition.

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### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**

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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**WQM Permit No. 4612403**, Sewage, **Franconia Sewer Authority**, 671 Allentown Road, Telford, PA 1869-2205.

This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of approximately 6,750 linear feet of 10" gravity sanitary sewer to service existing home current served by on lot systems.

**WQM Permit No. 2300404**, Sewage, Renewal, **White Horse Village, Inc.**, 535 Gradyville Road, Newtown Square, PA 19073.

This proposed facility is located in Edgemont Township, **Delaware County**.

Description of Action/Activity: Renewal of existing Water Quality Management permit.

**WQM Permit No. WQG02151206**, Sewage, **Fairview Court Development Inc.**, 1301 North 31st Street, Philadelphia, PA 19121.

This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction and operation of new sewage pumping station for 36 single family residence.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1506030-R	Sharon Savings Bank 3 Chester Pike Darby, PA 19023-1504	Chester	Westtown Township	Ridley Creek— Delaware River (HQ)
PAI01 151203	Highpointe Meadow, LP PO box 137 Chester Heights, PA 19017	Chester	Franklin Township	Big Elk Creek (HQ-TSF-MF)
PAI01 151215	Lakeview Development Associates 305 West Bristol Road Warminster, PA 18974	Chester	Wallace Township	Marsh Creek Lake (HQ-TSF-MF)
PAI01 151216	September Farm Cheese, LP 460 Mill Road Honey Brook, PA 19344	Chester	Honey Brook Township	Unnamed Tributary West Branch Brandywine Creek (HQ-TSF-MF)
PAi01 151217	Mike Lange 2010 Three Mile Run Road Perkasie, PA 19844	Chester	Tredyffrin Township	Unnamed Tributary Valley Creek (EV)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812006	Moravian Academy 7 East Market St. Bethlehem, PA 18018	Northampton	Bethlehem Twp.	Monocacy Creek, HQ-CWF, MF and Nancy Run, CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111012	Bradford Wenger 511 East Louthier Street Carlisle, PA 17013	Cumberland	South Middleton Township	UNT to LeTort Spring Run (EV, MF)
PAI033612002	Ben Stoltzfus 189 Soapstone Hill Road Peach Bottom, PA 17563	Lancaster	Fulton Township	Little Conowingo Creek (HQ-CWF)

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055612001	The Buncher Resort & Hospitality Group, LLC Penn Liberty Plaza Suite 300 1300 Penn Avenue Pittsburgh, PA 15222	Somerset	Jefferson Township	Kooser Run (HQ-CWF)

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities

PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bradford Township Clearfield County	PAG-02 101712008	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461	Millstone Run Basin (CWF-MF)	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7949
Richland Township Bucks County	PAG0200 0912055	PPL Electric Utilities Corp 2 North Nin Street, GENN3 Allentown, PA 18101	Morgan Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0903117-R	REDUS Properties, LLC 301 South College St, 4th Fl Warrington, PA 18976	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG0200 0907035-R	Zaveta Construction Company 4030 Skyron Drive, Suite H Doylestown, PA 18904	Houghs Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 0912048	Black Oak Properties, Inc. PO Box 5199 New Britain, PA 18901	Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG0200 1506024A-1R	All County Partnership 2500 East High Street, Ste 610 Pottstown, PA 19464	Sucker Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Coatesville and South Coatesville Borough Chester County	PAG0200 1510030-R	Habitat for Humanity of Chester County PO Box 1452 Coatesville, PA 19320-0218	West Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Phoenixville Borough Chester County	PAG0200 1512019	Fairview Court Development 1301 North 31st Street Philadelphia, PA 19121	French Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Radnor Township Delaware County	PAG0200 2312017	Boathouse Realty Associates 1595 Paoli Pike West Chester, PA 19380	Unnamed Tributary Meadowbrook Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 4610099	Harry Hassan PO Box 841 Montgomeryville, PA 18936	Park Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4612033	James Logue 200 Swedelands Road King of Prussia, PA 19406	Matsunk Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Allen Township, Northampton County	PAG02004812008	PPL Electric Utilities Donald Samala Two Ninth Street (GENN 3) Allentown, PA 18101	Hokendauqua Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Moore Township, Northampton County	PAG02004804038R	Richard George S & S Homes 5196 Cherry Valley Rd. Saylorsburg, PA 18353	Hokendauqua Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Fell Township, Lackawanna County	PAG02003512012	Fell Charter School Inc. Mary J. Walsh 27-33 Fairview St. Carbondale, PA 18407	Wilson Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Whitehall Twp., Lehigh County	PAG02003907011R	Muslim Association of Lehigh Valley, Inc. Mirza Baig 1988 Schadt Ave. Whitehall, PA 18052	Jordan Creek, TSF, MF	Lehigh Co. Cons. Dist. 610-391-9583

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Ontelaunee Township Berks County	PAG02000612035	Brian Gottschall County of Berks 633 Court Street Reading, PA 19603	Schuylkill River/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Hampden Township Cumberland County	PAG02002112022	Albert Kominski 4520 Valley Road Enola, PA 17025	Pine Run/WWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Hampden Township Cumberland County	PAG02002112023	Francis McNaughton 4400 Deer Path Road, Suite 201 Harrisburg, PA 17110	Conodoguinet Creek/ WWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Upper Allen Township Cumberland County	PAG02002107036	Marc DeSouza Bumble Bee Hollow Limited 225 North Presidential Avenue Bala Cynwyd, PA 19004	Yellow Breeches Creek/ CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812



*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
College Township Centre County	PAG02001408012-1	Dave Palmer The Village at Canterbury 2121 Old Gatesburg Rd State College PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
College Township Centre County	PAG02001412013	Patel Ajesh AVA Development 3737 Route 46E Parsippany NJ 07054	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Fairfield Township Lycoming County	PAG02004112010	Aubrey Alexander Blaise Alexander Family LP 10 Alexander Dr Muncy PA 17756	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Fairfield Township Lycoming County	PAG02004112011-1	LCSWA Christine Weigle PO Box 186 Montoursville PA 17754	Bennetts Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Muncy Township Lycoming County	PAG02004112022	Thomas Krouse 632 Woodward Ave Lock Haven PA 17745	Twin Run WWF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Limestone Township Union County	PAG02006012008	Elton Martin 3910 Wildwood Rd Mifflinburg PA 17844	Penns Creek CWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Baldwin Borough Allegheny County	PAG02000212029	Ray Jones Baldwin Asphalt Paving 1342 Cathell Rd Pittsburgh, PA 15236	UNT Streets Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Richland Township Allegheny County	PAG02000210036R	JD Turco St. Barnabas Land Trust 5850 Meridian Rd Gibsonia, PA 15044	Deer Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Moon Township Allegheny County	PAG02000207008R	F Lynn Foltz Foltz Development Corp. 1064 Surrey Woods Dr. Canonsburg, PA 15317	UNT to Flaugherty Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Town of McCandless Pine Township Allegheny County	PAG0200021022R	Cheryl Moon-Sirianni PA Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Pine Township Allegheny County	PAG02000210004R	James C. Rumbaugh Pearce Mill Associates, LP 772 Pine Valley Dr Pittsburgh, PA 15239	North Fork Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Greentree Borough Scott Township Allegheny County	PAG02000212035	Scott E Hilty, PE PA American Water Company 300 Galley Road McMurray, PA 15317	Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAR10A606R	Martin R.. Kaminski The Urban Redevelopment Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Monongahela River (WWF-N)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Harmar Township Allegheny County	PAG02000211005-1	Gary Graham PA Turnpike Commission 700 South Eisenhower Blvd Middleton, PA 17057	Deer Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
West Mifflin Borough Baldwin Borough Allegheny County	PAG02000500020 3022-1R	Anthony Merante A. Merante Contracting 4740 Streets Run Road Pittsburgh, PA 15236	Streets Run Watershed (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000212045	Bill Miller Pittsburgh Gateways Corporation 4514 Plummer St Pittsburgh, PA 15201	Monongahela River (WWF), Allegheny River (WWF), Lower Monongahela River Watershed (WWF) and Lower Allegheny River Watershed (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Ross Township Allegheny County	PAG02000212014	Pasquale D. Avolio Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	McKnight Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Hampton Township Allegheny County	PAG02000212037	Charles Leyh Enterprise Bank 4019 Mt. Royal Blvd Allison Park, PA 15101	Pine Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Elizabeth Township Allegheny County	PAG02000212041	Elizabeth Township Sanitary Authority 2420 Greenock Buena Vista Road McKeesport, PA 15135	Youghiogheny River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Marshall Township Allegheny County	PAG02000212013	David Rohrich Bentley of Pittsburgh 2020 West Liberty Ave Pittsburgh, PA 15226	Brush Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Jefferson Hills Borough Allegheny County	PAG02000212044	Peter Goutman 2358 Rige Road Finleyville, PA 15332	UNT to Peters Creek directed to Monongahela River (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Indiana Township Allegheny County	PAG02000212025	Justin Fox Independence Excavating, Inc. 3826 Saxonburg Blvd. Cheswick, PA 15024	Deer Creek (CWF) Cunningham Run (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
McKees Rocks Borough Allegheny County	PAG02000212042	Bill Neides 5355 Muirfield Drive Cleveland, OH 44124	Ohio River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000212055	Kate Brown Commercial Properties, Inc. 1004 Wake Forest Road Raleigh, NC 27604	Allegheny River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Indiana Township Allegheny County	PAG02000204083R	David W. Eichenlaub 114 Tower Road Saxonburg, PA 15056	Deer Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
South Park Township Municipality of Bethel Park Allegheny County	PAG02000212053	Scott Bauer Peters Creek Baptist Church 6300 Library Road South Park, PA 15129	UNT to Piney Fork (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Braddock Borough Allegheny County	PAG02000212051	John Ginocchi Trek Development Group, Inc. 137 7th Street Suite 300 Pittsburgh, PA 15222	Monongahela River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Plum Borough Allegheny County	PAG02000211076-1	Richard Perallo YMCA of Greater Pittsburgh 420 Ft. Duquesne Blvd Pittsburgh, PA 15222	Abers Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Shippingport Borough Beaver County	PAG02000412013	Kristen Yanko First Energy Nuclear Operating Company 76 South Main Street Akron, OH 44308	Ohio River (WWF-N)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Jefferson Township Fayette County	PAG02002612012	Malkan, Inc. 71 North Mt. Vernon Ave Uniontown, PA 15401	Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Dunbar Borough Dunbar Township Fayette County	PAG02002612018	Dunbar Borough/ Dunbar Township Sanitary Authority Anthony Tristani 93 Connellsville Street Dunbar, PA 15431	Ferguson Run (TSF) Gist Run (TSF) UNT to Girst Run (TSF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Franklin Township Greene County	PAG02003011002	Nikita Lodging Miller Lane Waynesburg, PA 15370	South Fork of Tenmile Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
North Franklin Township Washington County	PAG02006312023	CNX Water Assests, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006312035	Benjamin Marcus Homes, LLC Mark Hoskins 124 Windermere Court McMurray, PA 15317	UNT to Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
South Strabane Township Washington County	PAG02006312039	South Strabane Township 550 Washington Road Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Municipality of Murrysville Westmoreland County	PAG02006505051R	Bruce Corna A. Richard Kacin, Inc. 3875 Old William Penn Highway Latrobe, PA 15650	Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006507006R	Andrew Leopold Hempfield Area School District 4347 Route 136 Greensburg, PA 15601	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
St. Clair Township Westmoreland County	PAG02006507012R	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	UNT to Conemaugh River (CWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006508001R	Life Church of God PO Box 1891 Greensburg, PA 15601	UNT to Slate Creek (WWF) Jacks Run (WWF) Sewickley Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006510010R	The Hempfield Township Municipal Authority 1146 Woodward Drive Greensburg, PA 15601	UNT to Little Sewickley Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Seward Borough St. Clair Township Westmoreland County	PAG02006510016R	Rachel Duda PADOT 825 North Gallatin Avenue Ext Uniontown, PA 15401	Conemaugh River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Youngwood Borough Westmoreland County	PAG02006511009	Jon T. Frikken S.J. Louis Construction, Inc. 1351 Broad St. West Rockville, MN 56369	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Washington Township Westmoreland County	PAG02006511037	Dr. John Meighan Kiski Area School District 200 Poplar Street Vandergrift, PA 15690	Pine Run Tributary (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township Westmoreland County	PAG02006512006	Pat Eulberg Appler American Group, LLC 6200 Oak Tree Boulevard Suite 350 Independence, OH 44131	Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006512008	Larry Kovach Vogue Limousines 6628 Route 30 Jeannette, PA 15644	Little Sewickley Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
City of New Kensington Westmoreland County	PAG02006512011	David Mastrostefano Sheetz 817 Brookfield Drive Seven Fields, PA 16046	Little Pucketa Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
City of Latrobe Unity Township Westmoreland County	PAG02006512017	William Gregory Adelphoi USA 1119 Village Way Latrobe, PA 15650	Loyalhanna Creek (WWF) Monastery Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Cranberry Township Butler County	PAG02001012037	Tom Jackson Dentistry for Kids 20440 Route 19 Cranberry Township Pa 16066	Unt Brush Creek WWF	Erie County Conservation District 814-825-6403
Butler Township Butler County	PAG02001012030	Hudson Group Inc 2450 Shenango Valley Freeway Hermitage PA 16148	UNT Connoquenessing Creek WWF	Erie County Conservation District 814-825-6403
Oliver Township & McCalmont Township Jefferson County	PAG0200331201	Peoples TWP 205 North Main Street Butler PA 16001	Clutch Run Hickok Run & Associated Wetlands CWF	Jefferson County Conservation District 81-849-7463
Hamlin Township McKean County	PAG02004212005	Nittany Oil Company Inc 321 North Front Street Philipsburg PA 16866	West Branch Clarion River CWF	McKean County Conservation District 814-887-4001
Pine Township Mercer County	PAG0200431206	Pine Township c/o George Hagstrom 545 Barkeyville Rd. Grove City PA 16127	Wolf Creek CWF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-03*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant's Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Telephone No.*

Atglen Borough Chester County	PAR130005	Sellars Absorbent Materials Inc. 808 Valley Avenue Atglen, PA 19310	East Branch Octoraro Creek—7K	Southeast Region Clean Water Program 484.250.5970
Tredyffrin Township Chester County	PAR110012	Johnson Matthey Inc. 456 Devon Park Drive Wayne, PA 19087	Unnamed Tributary to Trout Creek—3F	Southeast Region Clean Water Program 484.250.5970
Upper Macungie Twp., Lehigh County	PAR232206	BASF Corporation 7234 Penn Drive Allentown, PA 18106	Lehigh River, WWF, MF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Allentown City, Lehigh County	PAR232244	AERC.com, Inc. 2330 26th Street Southwest Allentown, PA 18103	Trout Creek, CWF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Bethel Park Borough Allegheny County	PAR806118	First Transit, Inc. 4780 Library Road Bethel Park, PA 15102	Saw Mill Run Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG040176	Occhi Frank J 1469 Lower State Road Doylestown, PA 18901	Unnamed Tributary to Mill Creek—2-F	Southeast Region Clean Water Program Manager 2 E. Main Street Norristown, PA 19401 484-250-5970

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
East Donegal Township Lancaster County	PAG083556 PAG083605 PAG080016	Merrell Bros., Inc. 8811 W 500 N Kokomo, IN 46901	Aaron Drager— North Farm 2439 Donegal Springs Road Marietta, PA 17547	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
East Donegal Township Lancaster County	PAG083556 PAG083605 PAG080016	Merrell Bros., Inc. 8811 W 500 N Kokomo, IN 46901	Aaron Drager— South Farm 2439 Donegal Springs Road Marietta, PA 17547	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Springville & Lathrop Townships Susquehanna County	PAG102251	Williams Field Service Co. LLC (Mulligan Pipeline Project) 1605 Coraopolis Heights Road Moon Township, PA 15108	Monroe Creek and Unnamed Tributary of Field Brook—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 1512507, Minor Amendment.** Public Water Supply.

Applicant	<b>Avonwheel Estates Mobile Home Park</b> 310 North High Street West Chester, PA 19380
Township	London Grove
County	<b>Chester</b>
Type of Facility	PWS

Consulting Engineer Safe Drinking Water Quality Management, Inc.  
1513 N. Line Street  
Lansdale, PA 19446

Permit to Construct September 21, 2012  
Issued

**Permit No. 1512510, Minor Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township East Goshen

County **Chester**

Type of Facility PWS

Consulting Engineer CET Engineering Services—GHG  
1240 N. Mountain Road  
Harrisburg, PA 17112

Permit to Construct September 14, 2012  
Issued

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Operations Permit** issued to: **Crossroads Beverage Group, LLC**, 3066589, Muhlenberg Township, **Berks County** on 9/14/2012 for the operation of facilities approved under Construction Permit No. 0612501.

**Operations Permit** issued to: **Aqua PA - Links @ Gettysburg**, 7010057, Mt. Joy Township, **Adams County** on 9/7/2012 for the operation of facilities approved under Construction Permit No. 0112508 MA.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 2412501** Public Water Supply

Applicant **Brockway Borough Municipal Authority**

Township or Borough Horton Township

County **Elk**

Type of Facility Public Water Supply

Consulting Engineer N. Peter Fleszar, P.E.  
Glance Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct September 14, 2012  
Issued

**Emergency Operation Permit** issued to **Brockway Borough Municipal Authority**, PWSID #6330002, Horton Township, **Elk County** on September 14, 2012. This permit is issued for the temporary use of Well No. 6. This permit expires on December 31, 2012.

**Cancellation of Permit** issued to **Thomas P. Buie d/b/a Springhill Estates Mobile Home Park**, PWSID #6200073, Spring Township, **Crawford County** on September 18, 2012. This action represents the cancellation of Permit Number 2092501 issued May 2, 1995, Permit Number 2092501-T1 issued May 2, 1995, Permit Number 2092501-T2 issued September 13, 2004 and Permit Number 2092501-T3 issued September 16, 2009. This action is a result of Springhill Estates Mobile Home Park no longer being a Public Water Supply.

**Permit No. 2512504** Public Water Supply

Applicant **Country Gardens Mobile Home Park**

Township or Borough Girard Township

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Robert L. Rabell, P.E.  
R.L. Rabell Surveying & Engineering  
10560 Walnut Street  
Albion, PA 16401

Permit to Construct September 21, 2012  
Issued

**Operation Permit** issued to **Municipal Authority of the Borough of Union City**, PWSID #6250064, Union Township, **Erie County**. Permit Number 2511504 issued September 21, 2012 for the operation of the Union City Borough Water Treatment Plant system upgrades located in Union Township, Erie County, Pennsylvania. This permit is issued in response to the receipt of the Certificate of Construction/Modification Form received by the Department on July 23, 2012 and letter dated August 23, 2012.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

##### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

*Plan Location:* 2059 Bushkill Center Road

Borough or Township	Borough or Township Address	County
Moore Township	Township Building 2491 Community Drive Bath, PA 18014	Northampton

*Plan Description:* The approved plan provides for a proposed Official Plan Revision consisting of a single family residence on a 0.59 acre tract with sewage flows of 400 GPD. This project proposes a small flow treatment facility to repair a malfunctioning on-lot sewage disposal system which currently serves the residence. The proposed treatment facility will include a 1500 gallon two-compartment Orenco Systems, Inc. tank, an Orenco Advantex(r) AX-20N treatment unit followed by an Orenco UV-125/31P disinfection unit. The discharge from the disinfection unit will be to the main stem of the Bushkill Creek, which is designated as High Quality-Cold Water Fishes (HQ-CWF) in 25 PA Code 93.9c. An existing private well provides water to the residence.

Since there is no environmentally sound and cost-effective nondischarge alternative available to correct the existing public health or pollution hazard at this site, the social or economic justification requirements in 25 PA Code 93.4c (b) (1) (iii) for a discharge to High Quality waters has been satisfied.

The proposed development is located at 2059 Bushkill Center Road, Moore Township, Northampton County.

The plan revision is approved with the following conditions:

The approved project will require an NPDES permit for the proposed effluent discharge. The permit application must be submitted in the name of the applicant, Fred Stair.



The approved project will require a Clean Streams Law (CSL) permit for the construction and operation of the proposed sewerage facilities. The permit application must be submitted in the name of Fred Stair (Permittee). Approval of this planning module is only approval of the preliminary concept of the proposed project and does not assure that a permit application will be acted upon favorably by the Department. Issuance of a CSL permit will be based upon a technical evaluation of the permit application and supporting information. Starting construction prior to obtaining a permit is a violation The Clean Streams Law.

Instructions and applications may be obtained from the Department's Northeast Regional Office, Clean Water Program, at the letterhead address.

This plan approval does not include approval of the system design that will be evaluated and approved as part of the CSL permit application review.

Other Department permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department's Permitting & Technical Services Section, Watershed Management Program, Northeast Regional Office, at the letterhead address, or by calling (570) 826-2511. Any required NPDES Permits or WQM Permits must be obtained in the name of Fred Stair.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

##### Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
District Township	202 Weil Rd, Boyertown PA 19512	Berks

**Plan Description:** The planning module for the Fredericksville Farms II—Lot 4B Subdivision, DEP Code No. A3-06929-065-2, APS Id 781603, consisting of one single family residential lot using on lot sewage disposal is disapproved. The proposed development is located on the south side of Huff's Church Road, approximately 750 feet west of Baldy Huff in District Township. This plan is disapproved because the proposal does not address the relationship of the proposed development to other proposed sewage facilities and sewage management programs in the area as required for new land development plan revisions (25 Pa. Code § 71.52(a)(2)). The plan revision only addresses a means of sewage disposal for one of multiple lots in the Fredericksville Farm subdivision. As a result of a decision by the Environmental Hearing Board in November 2011, sewage planning does not exist for the subdivision. This lot, as well as the other subdivided lots in the subdivision, is located in the watershed of Pine Creek, an exceptional value stream. The proposal for a single lot within this multi-lot subdivision does not provide an adequate analysis of the consistency of technically available sewage facilities alternatives for the subdivision with the antidegradation requirements of Chapter 93 (25 Pa. Code § 71.52(a)(3)(v)). The Department does not believe that the piece-meal approval of revisions allows it adequately to assess the collective impact that

sewage disposal for the entire subdivision may have on the existing exceptional value use of Pine Creek.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Reddy Mart**, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, Whitestone Associates, Inc. 1600 Manor Drive, Chafont, PA 18914 on behalf of Shawn Beichler, Bottom Dollar Food Northeast, LLC, PO Box has submitted a Final Report concerning remediation of site soil contaminated with petroleum related compounds. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Air Produce & Chemical Inc.**, Morrisville Borough and Falls Township, **Bucks County**. Kent V. Littlefield, SAIC Energy Environmental & Infrastructure, LLC, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Edward J. Dulac, Air Products and Chemicals Inc. 7021

Hamilton Boulevard, Allentown, PA 18195 has submitted a Cleanup Plan and Final Report concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Gwynedd Mercy College**, Lower Gwynedd Township, **Montgomery County**. Staci Crotone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Kevin O'Flaherty, Gwynedd Mercy College, PO Box 901, Gwynedd Valley, PA 19437-0901 has submitted a Final Report concerning remediation of site soil contaminated with no 4 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Waterford Walk**, Lower Merion Township, **Montgomery County**. Lawrence W. Bily, RT Environmental Services, Inc. 215 Church Road, King of Prussia, PA 19406 on behalf of D. Charles Houder, Hardy Houder Real Estate Group, LLC, 134 North Narberth Avenue, Narberth PA 19072 has submitted a Final Report concerning remediation of site soil contaminated with inorganics and pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**777 Broad Street**, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Josh Weingra, 777 South Broad Associates, LP, 3180 Chestnut Street Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, benzo and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Wayne Manor Apartments**, Radnor Township, **Delaware County**. Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Paul O'Conner, Principal Partners Wayne Manor, LLP, 105 Runnymede Avenue, Wayne, PA 19087 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rhodia**, Falls Township, **Bucks County**. Ryan Fitzpatrick, ARCADIS, 10 Friends Lane, Suite 200, Newtown, PA 18940 on behalf of Mike Shatynski, Rhodia, Inc., 8 Cedar Brook, Drive Cranbury, NJ 08512 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Choice One Property Sharon Hill LP**, Sharon Hill Borough, **Delaware County**. Richard S. Werner, P.G., Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Michael Milone, Choice One Property Sharon Hill, LP, 147 Pennsylvania Avenue, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with other organic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sayer Residence**, Lower Merion Township, **Montgomery County**. Alan Robinson, Kleinfelder, 180 Sheree Blvd, Suite 3800, Exton, PA 19341, F. Christian Haab Jr, F.C. Haab, 2314 Market Street, Philadelphia, PA 19103 on behalf of Douglas Sayer, 1260 Morris Avenue, Bryn Mawr, PA 19085 has submitted a Final Report concerning

remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Former Allison Hill Automotive and Former Conrail Property**, 47 South 14th Street (Automotive), and 124 South 17th Street (Conrail), Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. Skelly & Loy, Inc., 449 Eisenhower Boulevard, Harrisburg, PA 17111, on behalf of Redevelopment Authority of the City of Harrisburg, 10 North Second Street, Suite 405, Harrisburg, PA 17105, submitted a Final Report concerning remediation of site soils contaminated with VOCs, PAHs and inorganics. The report is intended to document remediation of the site to meet the Site Specific standard.

**Jerome H. Rhoads, Inc.**, 221 East State Street, Quarryville, PA 17566, Quarryville Borough, **Lancaster County**. Gannett Fleming, Inc., 101 Millersville Road, Lancaster, PA 17603-4250, on behalf of Jerome H. Rhoads, Inc., 624 South Prince Street, Lancaster, PA 17603, submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan for site soils and groundwater contaminated with petroleum hydrocarbons and chlorinated solvents. The site will be remediated to the Site-Specific standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Brian Anderson Property**, Washington Township, **Jefferson County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of State Farm Insurance, One State Farm Drive, Ballston Spa, NY 12020 and Brian Anderson 137 Anderson Drive, Falls Creek, PA 15840 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl tert-butyl ether (MTBE), Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Christianson Well Pad Site**, 216 Knupp Road, Fairfield Township, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy, 395 Airport Road, Indiana, PA 15701 has submitted a Final Report concerning the remediation of site soil contaminated with biodegradable base oil from an inadvertent release.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans



and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Reddy Mart**, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, Whitestone Associates, Inc., 1600 Manor Drive, Chalfont, PA 18914 on behalf of Shawn Beichler, Bottom Dollar Food Northeast, LLC, PO Box 1330, Salisbury, NC 28145 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum related compounds. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 4, 2012.

**Bryn Mawr Hospital**, Lower Merion Township **Montgomery County**. Bernard B. Beegle, Advance GeoServices Corporation, 1055 Andrew Drive, Suite A. West Chester, PA 19380, Jim Gould, Lewis Environmental, Inc. 155 Railroad Plaza, PO Box 639, Royersford, PA 19468 on behalf of Andrew Gilbert, Bryn Mawr Hospital, 103 South Bryn Mawr Avenue, Bryn Mawr, PA 19010 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final

report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 7, 2012.

**Fowles Residence**, Buckingham Township **Bucks County**. Jeffery A. Warmkessel, P.G., Center Point Tank Services, Inc. 536 East Ben Franklin Highway, Douglasville, PA 19518, Ty Gawlik, State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020 on behalf of Patrick Fowles, 32615 Indian Springs Road, Buckingham, PA 18901 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 2012.

**BMW of the Main Line (incident #37791)**, Lower Merion Township **Montgomery County**. Richard Werner, Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Elizabeth Kirsch, Kirsch Enterprises, Inc. and Estate C.H. Kirsch, c/o Richard E. Javage, Jr. Esq., 3550 Township Line Road, Drexel Hill, PA 19026 on behalf of Steve Holstad, Bala Properties South LLC, Mini of the Main Line, 130 Montgomery Avenue, Bala Cynwyd, PA 19004 has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan and Final Report concerning the remediation of site groundwater contaminated with TCL, VOC'S. The Remedial Investigation/Risk Assessment/Cleanup Plan and Final Report were approved by the Department on August 10, 2012.

**Sayer Residence**, Lower Merion Township **Montgomery County**. Alan Robinson, Kleinfelder, 180 Sheere Blvd, Suite 3800, Exton, PA 19341, Mark Warchol, Kleinfelder, 180 Sheree Blvd, Suite 3800, Exton, PA 19341, H. Christian Haab, Jr. F.C. Haab, 2314 Market Street, Philadelphia, PA 19103 on behalf of Douglas Sayer, 1260 Morris Avenue, Bryn Mawr, PA 19085 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 17, 2012.

**Exelon Corporation Condensate Tank KIPC**, Falls Township **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, Katheleen Mayher, United State Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 on behalf of Dale Davis, Exelon Generation—Fairless Hills Generation Station, 990 Steel Road South, Fairless Hills, PA 19030 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on August 10, 2012.

**Haverford Animal Hospital**, Lower Merion Township **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc. P.O. Box 370, Blue Bell, PA 19422, Haverford, PA 19041 on behalf of Reginald L. Royster, Jr. D.V. M. Haverford Animal Hospital, 517 West Lancaster, Haverford, PA 19041 has submitted a Final Report concerning the remediation of site soil contaminated with gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 7, 2012.

**477 North West End Boulevard**, Richland Township **Bucks County**. Thomas Petrecz, Penn R&R, Inc. 2755 Bergy Road, Hatfield, PA 19462 on behalf of Irwin Kroiz,

West End Blvd, Associates, L.P., 505 West Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 6, 2012.

**Umbria Street Property**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Dan Lacz, JERC Partners XVI, L.P., 171b State Road 173, Asbury, NJ 08802 on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Cleanup Plan/Remedial Investigation Report was approved by the Department on August 14, 2012.

**Quality Gas**, Warwick Township **Bucks County**. Jeffrey Warmkessel, Center Point Tank Services, 536 East Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Don & Theresa Jamison, 2140 York Road, Jamison, PA 18920 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 2012.

**1517 Valley Forge Road**, Schuylkill Township **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Anthony Schaeffer, TNH LP, 300 Conshohocken State Road, Suite 210, West Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 22, 2012.

**904 Fairview Avenue Site**, Lower Southampton Township **Bucks County**. Patrick Crawford, Crawford Environmental Services, LLC, 195 Proudfoot Drive, Birdsboro, PA 19508, C&L Fuel, 1504 Newport Road, Bristol, PA 19007 on behalf of John Morozin, 904 Fairview Avenue, Feasterville, PA 19053 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated Statewide Health Standard and was approved by the Department on August 23, 2012.

**Webb Property LLC**, City of Philadelphia, **Philadelphia County**. Stephen D. Brower, Environmental Standards, Inc. 1140 Valley Forge Road, PO Box 810, Valley Forge, PA 19482-0810 on behalf of Terry Webb, Webb Property, LLC, 1864 Nicole Drive, Dresher, PA 19025 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 10, 2012.

**MGM Ridley Parking, LP**, Ridley Township **Delaware County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Kim Rinnier, MGM Ridley Parking LP, 760 Parkes Run, Villanova, PA 19805 has submitted a Final Report concerning the remediation of site soil contaminated with no. fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 22, 2012.

**Ambler Boiler House**, Borough of Ambler **Montgomery County**. Walter H. Hungater, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of John Zaharchuk, Ambler BH Development Partners, LLC, 610 East Germantown Pike, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 10, 2012.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Apollo Metals**, 1001 14th Avenue, Bethlehem City, **Lehigh County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 E. Mermaid Lane, Glenside, PA 19038 has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Apollo Metals, Ltd (Corus Group), 1001 14th Avenue, Bethlehem, PA 18018), concerning the remediation of soil and groundwater found to have been impacted by metals as a result of historical operations at this metal plating facility. The combined report documented attainment of a combined Statewide Health Standard and Site-Specific Standard for metals in soil, and a Site-Specific Standard for metals and volatile organic compounds in groundwater and was approved on September 12, 2012.

**Former Techneglas Property (Interstate Distribution Center)**, 140 Industrial Drive, Jenkins Township, **Luzerne County**. James J. Koval, HDR, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Final Report (on behalf of his client, Pittston Industrial, LLC, 152 W. 57th Street, 60th Floor, New York, NY 10019), concerning the remediation of soil found to have been impacted by VOCs, SVOCs, and metals as a result of historical operations at the site. The report documented attainment of the Non-Residential Statewide Health Standard and Site Specific Standard for soils and was approved on September 19, 2012.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Reading School District Maintenance Garage**, 717 Tulpehocken Street, Reading, PA 19601, City of Reading, **Berks County**. SSM Group, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19610, on behalf of Reading School District, 800 Washington Street, Reading, PA 19601, submitted a combined Remedial Investigation and Final Report for site soils and groundwater contaminated with petroleum hydrocarbons from unregulated underground storage tanks. The combined Remedial Investigation and Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on September 19, 2012.

**Merle Reedy Residence**, 112 Buck Heights Road, Quarryville, PA 17566, Providence Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Merle Reedy, 112 Buck Heights Road, Quarryville, PA 17566 and Whitelock & Woerth, Inc., 1220 Georgetown Road, Christiana, PA 17509, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released from an aboveground storage tank. The Final Report demonstrated attainment of a combination of Residential Statewide Health and Site-Specific standards, and was approved by the Department on September 20, 2012.



**Rhoads Service Station**, 3526 Old Philadelphia Pike, Intercourse, PA 17534, Leacock Township, **Lancaster County**. Letterle & Associates, LLC, 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Rhoads Service Station, 3526 Old Philadelphia Pike, Intercourse, PA 17534-7008, submitted a Final Report concerning the remediation of site soils contaminated with waste motor oil from a UST. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 21, 2012.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM044. Revolution Recovery, LLC.**, 7333 Milnor Street, Philadelphia, PA 19136.

General permit number WMGM044 is for the processing of unpainted and untreated wood waste; gypsum board; brick, block and concrete waste; various organic wastes, non-asbestos containing asphalt shingles; pallets; skids; saw dust; source segregated paper; cardboard and newspaper; plastic waste; scrap metal; unused structural sound building materials; and architectural elements. The processed waste materials are beneficial use as (a) mulch or wood chips for further processing off-site, (b) aggregate material in roadway construction, (c) soil conditioner or soil amendment, (d) alternative fuel, (e) animal bedding, or (f) distributed to wholesale outlets.

The general permit was issued by Central Office on September 24, 2012.

Persons interested in reviewing the general permit may contact C. D. Vu, Chief, Permits Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**General Permit No. WMGR123SW012: Aquatech International Corporation**, 1 Four Coins Drive, Canonsburg, PA 15317. Pettit Facility, 303 Pettit Road, Sycamore, PA 15364. Processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well. The permit was issued by the Regional Office on September 20, 2012.

Persons interested in reviewing the general permit may contact Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR098D006. Frush Valley Holdings, LLC**, 100 Cleveland Avenue, Reading, PA 19605. General Permit Number WMGR098 authorizes processing and beneficial use of foundry sand and sand system dust generated by ferrous metal foundries and steel to be used as construction material or as a soil additive or soil amendment. The approved processing is limited to the processing and beneficial use of spent foundry sand excavated from the site of the former Empire Steel Casing Company. This permit was issued by Central Office on September 12, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**General Permit No. WMGR081D035. PAZ Metals, Inc.**, 1435 Run Way York, PA 17406-8005.

This permit is for the beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing. The permit was issued by Central Office on September 17, 2012.

Persons interested in reviewing the general permit may contact Scott Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**Permit No. 101201. Northern Tier Solid Waste Authority**, PO Box 10, Burlington, PA 18814, Hamilton Township, **Tioga County**. Permit to continue to operate an existing construction demolition landfill for ten years. The permit was issued by Northcentral Regional Office on September 14, 2012.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**GP14-15-0098: Carriage PA Holdings, Inc.** (736 East Lancaster Avenue, Downingtown, PA 19335) On September 20, 2012, was authorized to operate a human crematory unit in Downingtown Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**GP4-36-03190: Ingham's Powder Coating** (1860 N Reading Road, Stevens, PA 17578) on September 19, 2012, for a burn-off oven under GP4 at their powder coating facility in East Cocalico Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP3-08-371: Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18613) on September 18, 2012, to construct and operate two vintage Terex Pegson model XR400 portable crushing plants, a vintage Terex Pegson model 4242SR Trackpactor portable crushing plant, a vintage Terex Pegson 1412 Trackpactor portable crushing plant, a vintage Terex Pegson model XR400S portable crushing plant, a vintage Terex Pegson model XR400 portable crushing plant, a vintage Terex Pegson model XH500 portable crushing plant, a vintage Terex Pegson model XA750 portable crushing plant, a vintage Terex Pegson model 428 portable crushing plant, a Terex Pegson model 1300Maxtrax portable crushing plant, a Terex Pegson model XR400 portable crushing plant, a vintage Terex Powerscreen Chieftain 1800 portable screening plant, a vintage Terex Powerscreen Warrior 1800 portable screening plant, a vintage Terex Powerscreen Chieftain 1700 portable screening plant, a vintage Terex Powerscreen Chieftain 2100 portable screening plant, a vintage Terex Powerscreen Warrior 2400 portable screening plant and four vintage telestacker conveyors pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at a site located in Springfield Township, **Bradford County**.

**GP9-08-371: Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18613) on September 18, 2012, to construct and operate a 275 brake-horsepower Caterpillar model C9 MBD01473 diesel engine, a 325 brake-horsepower Caterpillar model C9 MBD06764 diesel engine, a 275 brake-horsepower Caterpillar model C9 MBD07813 diesel engine, a 425 brake-horsepower Caterpillar model C12 BDL03204 diesel engine, a 275 brake-horsepower Caterpillar model C9

JSC13181 diesel engine, a 275 brake-horsepower Caterpillar model C9 JSC13181 diesel engine, a 440 brake-horsepower Caterpillar model C13 JSC13181 diesel engine, a 440 brake-horsepower Caterpillar model C13 JSC13181 diesel engine, a 275 brake-horsepower Caterpillar model C9 JSC13181 diesel engine, a 450 brake-horsepower Scania model DC13 diesel engine, a 275 brake-horsepower Scania model DC9 diesel engine, a 96 brake-horsepower Deutz model BF4M2012 diesel engine, a 111 brake-horsepower Caterpillar model C4.4 TA diesel engine, a 96 brake-horsepower Deutz model BF4M2012 diesel engine, a 111 brake-horsepower Caterpillar model C4.4 diesel engine, a 192 brake-horsepower Deutz model BF4M2012 diesel engine and a 40 brake-horsepower Deutz model D2011L03i diesel engine pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at a site in Springfield Township, **Bradford County**.

**GP5-17-21B: EXCO Resources (PA), Inc.** (3000 Ericson Drive, Suite 200, Warrendale, PA 15086) on September 11, 2012, for to construct and operate 225 brake horsepower Caterpillar model G342NA (serial #HR/71B03367) natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Grampian Compressor Station in Penn Township, **Clearfield County**.

**GP10-60-00013C: RR Donnelley** (1601 Industrial Boulevard, Lewisburg, PA 17837) on September 21, 2012, to construct and operate a new non-heatset web offset lithographic printing press pursuant to the General Plan Approval And/Or General Operating Permit For Non-Heatset Web Offset Lithographic Printing Press (BAQ-GPA/GP-10) at Lewisburg plant in East Buffalo Township, **Union County**.

**GP3-09-312B: DeCristo, Inc.** (9070 Route 414, Canton, PA 17724) on August 15, 2012, to construct and operate a portable nonmetallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Leroy Quarry No. 1 facility in Leroy Township, **Bradford County**.

**GP9-09-312B: DeCristo, Inc.** (9070 Route 414, Canton, PA 17724) on August 15, 2012, to construct and operate a 300 brake-horsepower-hour (bhp-hr) Caterpillar model C-9 MBD10805 diesel-fired engine, a 129 bhp-hr Caterpillar, model C4.4 44404321 diesel-fired engine, a 100 bhp-hr Deutz diesel-fired engine, a 99 bhp-hr Deutz diesel-fired engine and three (3) 40 bhp-hr diesel-fired engines pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or #2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at their Leroy Quarry No. 1 in Leroy Township, **Bradford County**.

**GP5-08-366: Angelina Gathering Co., LLC** (2350 North Sam Houston Parkway E, Suite 125, Houston, TX 77032) on August 28, 2012, to construct and operate twelve (12) Caterpillar model G3516B lean-burn natural gas-fired compressor engines each rated at 1,380 brake horsepower to be equipped with Powertherm Company, Inc. model 201 VO-3-200-7114 oxidation catalyst, four (4) 80 million cubic foot per day, Exterran tri-ethylene glycol dehydrators and a 155 brake horsepower, Kohler model 100ERESB, natural gas-fired emergency generator pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/



GP-5) at the White CPF#1 Compressor Station in Stevens Township, **Bradford County**.

**59-00027A: UGI Storage Co.** (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) on September 20, 2012, to construct two (2) natural gas compressors each powered by a 1380 bhp ultra-lean burn natural gas-fired engine, one (1) natural gas compressor powered by a 690 bhp ultra-lean burn natural gas-fired engine, one (1) emergency generator set powered by a 1100 bhp diesel-fired engine, and four (4) storage tanks at the Palmer Compressor Station in Farmington Township, **Tioga County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP3-65-01008A: Bullskin Stone & Lime Co., LLC.** (P. O. Box 528, Latrobe PA 15650) on September 18, 2012, to allow the operation of one (1) Jaw Crusher rated at 250 tons per hour and one (1) Vibratory Screen rated at 250 tons/hr at their new site, Smithton Pit, in South Huntingdon Township, **Westmoreland County, PA**.

**GP9-65-01008A: Bullskin Stone & Lime Co., LLC.** (P. O. Box 528, Latrobe PA 15650) on September 18, 2012, to allow operation of one (1) Caterpillar IC Engine and rated at 300 tpy and one (1) Caterpillar IC Engine rated at 174 tpy at their new site, Smithton Pit, in South Huntingdon Township, **Westmoreland County, PA**.

**GP5-30-00216: PVR NEPA Gas Gathering, LLC** (100 Penn Tower Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on September 12, 2012, received authorization for construction and operation of sources and controls associated with a natural gas production facility at the Milesky Facility in Center Township, **Greene County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0004A: Covanta Delaware Valley, L.P.** (10 Highland Avenue, City of Chester, PA 19013) on September 17, 2012, for a project to use secondary effluent from the Chester DELCORA facility as make-up water for an existing cooling tower at their Delaware Valley facility. Covanta will treat the effluent with an ultrafiltration system (UF) and a reverse osmosis (RO) process to remove total dissolved solids (TDS) before circulating in an existing cooling tower at the facility in City of Chester, **Delaware County**. The cooling tower will be equipped with drift eliminators to reduce emissions of PM<sub>10</sub>/PM<sub>2.5</sub>. The overall project is expected to reduce PM<sub>10</sub>/PM<sub>2.5</sub> emissions with an annual limit of 2.39 tons per year. This facility is a Title V facility. The Plan Approval and Operating Permit will contain testing, monitoring and recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0026G: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) on September 18, 2012, for installation of a new flexographic printing press at their

Oaks facility in Upper Providence Township, **Montgomery County**. This facility is a minor facility. The facility wide VOC emissions will stay below 25 tons per year. The combined HAP emissions will be below 25 tons per year. Each HAP emissions will stay below 10 tons per year. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0219A: Premium Excavating, LLC** (P. O. Box 190, Morrisville, PA 19067) on September 20, 2012, for installation of a nonmetallic crushing plant (McCloskey C40 Crusher, 300 ton/hr) to process construction washout material (waste concrete) at JFI Redi-mix site, at Falls Township, **Bucks County**. This crushing plant will replace the existing unit (Extex Pit-bull Crusher, 170 ton/hr) at this location, with total estimated PM emissions of 3 tons per year. This facility is a Natural Minor (not Title-V) facility. This Plan Approval will contain all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**46-0276: Quad County Crematory LLC** (222 Washington Street, East Greenville, PA 18401) on September 20, 2012, for installation and operation of a human crematorium at their facility in East Greenville Borough, **Montgomery County**. The facility is a non-Title V facility. Based on an anticipated operating schedule of approximately 3,750 hours per year, the expected emission rates of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), sulfur oxides (SO<sub>x</sub>), and volatile organic compounds (VOCs) are each less than 1.5 tons per year. The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**28-05046A: Sunset Metal Works, Inc.** (100 Sunset Boulevard West, Chambersburg, PA 17202-9602) on September 17, 2012, to install two paint booths for their facility in Chambersburg Borough, **Franklin County**.

**67-05083C: Calpine Mid-Merit LLC** (500 Delaware Avenue, Suite 600, Wilmington, DE 19801-7406) on September 17, 2012, to modify the carbon monoxide emission limit during startup at their facility in Peach Bottom Township, **York County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 11068A: Materials Processing Corp.** (10551 Decatur Road, Philadelphia, PA 19154) on September 19, 2012 to increase shredding rate capacity from 5000 lbs/hr (a 9,350 tons per year) to 12,000 lbs/hr (10,500 tons per year) of waste electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The process will consist of a shredder with an electric motor. Shredder emissions will vent to a baghouse. Potential emissions from the facility based on the plan approval emission limits are less than 3 tons per year of Particulate Matter less than 10 microns (PM<sub>10</sub>). The plan approval will

contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements

**AMS 12151: Philadelphian Condominium** (2401 Pennsylvania Avenue, Philadelphia, PA 19130 on September 19, 2012 to install Thirteen (13) combustion units less than 8 MMBTU/hr firing either natural gas or No. 2 oil in the City of Philadelphia, **Philadelphia County**. The Facility will be limited to less than 25 tons of Nitrogen Oxides (NO<sub>x</sub>) emissions per year. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

**AMS 12049 (Weber Display and Packaging**, 3500 Richmond St Philadelphia, PA 19134) on September 24, 2012, for installation four (4) flexographic presses including 2 diecutters and 2 gluers, (1) one (1) cyclone, one (1) baghouse. There will be a potential emission increase of less than 2.0 tons for Volatile Organic Compounds (VOCs), Hazardous Air Pollutant (HAPs) & Particulate matter for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**15-0060A: Southeastern Chester County Refuse Authority—(SECCRA)** (P. O. Box 221, Kennett Square, PA 19348) on September 12, 2012, to operate a 2,233 BHP caterpillar IC engine/generator in London Grove Township, **Chester County**

**09-0007C: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on September 19, 2012, to operate a landfill gas collection and control system in Falls Township, **Bucks County**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**14-328-002: Dominion Transmission, Inc.** (PO Box 2450, Clarksburg, WV 26302-2450) on September 17, 2012, to construct and operate a natural gas compressor station to October 1, 2011. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**03-00215A: Allegheny Mineral Corp.** (PO Box 1022, One Glade Park East, Kittanning, PA 16201) on September 19, 2012 a Plan Approval extension for the Worthington Plant located in West Franklin Township, **Armstrong County**. The Plan Approval has been extended.

**65-302-071: ArcelorMittal-Monessen, LLC**, (345 Donner Avenue, Monessen, PA 15062) on September 25, 2012, to allow for continued temporary operation until March

25, 2013, of two (2) coke oven gas/natural gas boilers at the Monessen Coke Plant, located in the City of Monessen, **Westmoreland County**. The plan approval has been extended.

**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00077: Texas Eastern Transmission, L.P.** (P. O. Box 1642, Houston, TX 77251-1642) on September 19, 2012, to issue an Air Quality Title V Operating Permit to authorize the continued operation of Texas Eastern's Holbrook Compressor Station in Wind Ridge, Richhill Township, **Greene County**, PA. The facility includes twenty reciprocating internal combustion engines (RICE), three turbines, seven small boilers/heaters, parts washer, truck loadout, various tanks, and associated piping. Emissions are minimized through the use of ignition retard on the four Cooper Bessemer GMV-10S engines; through maintenance and good operating practices on the four Cooper Bessemer GMVA-10 Engines; through the use of screw-in precombustion chambers on the four Ingersoll RandKVS412 Engines, through the use of low NO<sub>x</sub> burners (LNB) on Turbine #1, and through the use of LNB and catalytic oxidation on Turbines #2 and #3. Hours of operation for Emergency Generators #2, #3 and #4 are each limited to 500 hours/year on a rolling 12-month basis. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63, and Pa. Code Title 25, Article III, Chapters 121 through 145.

**26-00590: Carlisle Construction Materials** (2000 Summit View Drive, Smithfield, PA 15478) on September 24, 2012 to issue a Title V Operating Permit to their facility in Georges Township, **Fayette County**. Sources at this facility include the Hunter Panel process line of polyisocyanurate foam insulating panels. The process is controlled by a Regenerative Thermal Oxidizer (RTO) with 98 percent destruction efficiency. The Insulfoam operation process consists of the manufacturing of expandable polystyrene (EPS0) block. This process is controlled by a RZTO with 98 percent destruction efficiency. Other equipment at this facility includes material storage and handling systems, space heaters and other smaller sources. This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): Hunter Panels-49.6 tons per year VOC; and Insulfoam- 49.3 tons per year and 5.5 tons per HAPs. No emission or equipment changes are being proposed by this action from previously issued plan approval. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of PA Code Title 25, Article III, Chapters 121 through 145.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*



**46-00224: Harleysville Mutual Insurance Co.** (355 Maple Avenue, Harleysville, PA 19438) on September 20, 2012, for renewal of a State Only, Synthetic Minor Operating Permit in Lower Salford Township, **Montgomery County**. The renewal permit is for two boilers, two emergency generators, and one hot water heater. This proposed renewal of the Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO<sub>x</sub> emissions to less than 25 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00046: Sunoco Pipeline L.P.** (1824 Horseshoe Pike, Honey Brook, PA 19344) on September 20, 2012, for a renewal of the State Only Operating Permit, which was issued on July 31, 2007 in West Brandywine Township, **Chester County**. This proposed renewal of the State Only Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The primary sources of emissions are three internal floating-roof storage tanks used for the storage of petroleum products. The internal floating-roof VOL (volatile organic liquid) storage tanks are subject to the provisions of 40 CFR 63.423, Subpart R [National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminal and Pipeline Breakout Stations: Storage Tanks)] which requires each gasoline storage vessel with a design capacity greater than or equal to 75 cubic meters according to the requirements in 40 CFR 60.112b(a)(1)—(4), except for the requirements in 40 CFR 60.112b(a)(1)(iv) through (ix) and 40 CFR 60.112b(a)(2)(ii).

The internal floating-roof VOL storage tanks are exempted from the federal regulations of 40 CFR 60, Subpart Ka and Subpart Kb [Standards of Performance for Petroleum Liquid and Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels)] because the tanks, were constructed prior to May 18, 1978 and July 23, 1984 and have not been modified as defined by 40 CFR § 60.2.

The internal floating-roof VOL storage tanks are also subject to the provisions of 25 Pa. Code § 129.56 [Storage Tanks greater than 40,000 gallon capacity containing VOCs] which regulates facilities with tanks that contain volatile organic liquids with vapor pressures under actual storage conditions to be greater than 1.5 psia (10.5 kilopascals) and less than 11 psia (76 kilopascals).

The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00075: Dunmore Corp.** (145 Wharton Rd, Bristol, PA 19007) on September 18, 2012, for operation of their printing and surface coating facility in Bristol Township, **Bucks County**. This amendment is to address the incorporation of Plan Approval, Number 09-0075B, for a Regenerative Thermal Oxidizer (RTO) that replaced a

catalytic oxidizer. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**47-00001: PPL Montour, LLC** (PO Box 128, Washingtonville, PA 17884-0128) issued a revised Title V operating permit on September 20, 2012 for their Montour Steam Electric Station (SES) located in Derry Township, **Montour County**. The revision included an extension of the particulate matter stack testing and more specific language for the compliance assurance monitoring (CAM) monitoring conditions to be consistent with CAM guidance. The CAM monitoring conditions were changed to incorporate the CAM indicator parameter for the electrostatic precipitators (ESPs). Administrative corrections were also included in the revised Title V operating permit pursuant to 25 Pa. Code § 127.450. PPL Montour LLC noticed the abovementioned changes to the public in *The Danville News* on July 16, 2012. The Title V operating permit contains appropriate monitoring, recordkeeping and reporting conditions to verify compliance with applicable regulatory requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**V09-019: Cardone Industries: Inc.** (5501 Whitaker Avenue, Philadelphia, PA 19124) on September 25, 2012, for operation of an automotive parts re-manufacturing facility in the City of Philadelphia, **Philadelphia County**. The permit has been administratively amended to reflex the change of ownership, facility name, and responsible official.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32011302 and GP12-32011302-R15. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). To renew and revise the permit for the Gillhouser Run Deep Mine in Brush Valley Township, **Indiana County** for the related coal mining activity permit and to increase the annual coal throughput to 500,000 tons per calendar year. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-32011302-R15. No additional discharges. The application was considered administratively complete on November 21, 2011. Application received: November 21, 2011. Permit issued: September 19, 2012.

**33901602 and GP12-33901602-10. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Brockway Tipple in Snyder Township, **Jefferson County** to establish an emission inventory for coal handling based on maximum total annual raw coal throughput at the facility of 200,000 tons per calendar year. Emission sources consist of unpaved road, storage piles, drop operation, truck loading and unloading, and crushing and screening activities. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-33901602-R10. The application was considered administratively complete on March 12, 2012. Application received: March 12, 2012. Permit issued: September 19, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26060106 and NPDES Permit No. PA0250988. Charles L. Swenglish & Sons Coal Company, Inc.** (2 Swenglish Lane, Smithfield, PA 15478). Renewal permit issued for continued mining to an existing bituminous surface mine, located in Georges and Springhill Townships, **Fayette County**, affecting 529.9 acres. Receiving streams: unnamed tributary to Rubles Run and Mountain Creek. Renewal application received: May 18, 2012. Permit issued: September 19, 2012.

**26070102 and NPDES Permit No. PA0251046. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal permit for reclamation only issued to an existing bituminous surface mine, located in Springfield Township, **Fayette County**, affecting 214.1 acres. Receiving streams: unnamed tributaries to Indian Creek and Laurel Run. Renewal application received: May 10, 2012. Permit issued: September 20, 2012.

**26110101 and NPDES Permit No. PA0252123. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 95.4 acres. Receiving streams: Stony Fork and unnamed tributaries to Stony Fork. Application received: September 26, 2011. Permit issued: September 20, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**16100104 and NPDES Permit No. PA0258911. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Revision to an existing bituminous surface and tipple refuse disposal mine to add 0.4 acre in Licking Township, **Clarion County** affecting 183.0 acres. Receiving streams: Two unnamed tributaries to Licking Creek. Application received: July 13, 2012. Permit issued: September 17, 2012.

**5974-16100104-E-1. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet to unnamed tributary No. 1 to Licking Creek in Licking Township, **Clarion County**. Receiving streams: Two unnamed tributaries to Licking Creek. Application received: July 13, 2012. Permit issued: September 17, 2012.

#### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**29920301 and NPDES Permit No. PA0599549, H. B. Mellott Estate, Inc.**, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES Permit, Ayr Township, **Fulton County**. Receiving stream(s): Esther Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: July 12, 2012. Permit issued: September 12, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61960801. William A. Guiste Excavating** (4142 State Route 208, Emlenton, PA 16373). Final bond release for a small industrial minerals surface mine in Clinton Township, **Venango County**. Restoration of 2.0 acres completed. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application Received: July 12, 2012. Final bond release approved: September 4, 2012.

**22807-37020307-E-1. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to the Beaver River in Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributary to the Beaver River and unnamed tributary to Snake Run. Application received: May 21, 2012. Permit issued: September 17, 2012.

**20120803. Atlee Gingerich** (25933 Frisbeetown Road, Union City, PA 16438) Commencement, operation and restoration of a small industrial minerals mine in Rockdale Township, **Crawford County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Kelly Run. Application received: August 6, 2012. Permit issued: September 17, 2012.

**43950303. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153) Application for a wetlands encroachment to mine through 3.02 acres and reconstruct 4.75 acres of palustrine emergent—palustrine scrub/shrub wetlands in Lake Township, **Mercer County**. Receiving streams: Little Shenango River. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: April 25, 2012. Permit issued: September 13, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**40960302GP104. Hanover Nursery**, (5 Crystal Street, Hanover Township, PA 18706), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40960302C3 in Plymouth Township, **Luzerne County**, receiving stream: Susquehanna River. Application received: February 28, 2012. Permit issued: September 21, 2012.



## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Actions*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**41124008. Seneca Resources** (51 Zents Blvd., Brookville PA 15825) Blasting for a project Tract 100 Pad P located in Lewis Township, **Lycoming County**. Permit issued: September 18, 2012. Permit expires: July 1, 2013.

**08124144. Meshoppen Stone, Inc.**, (P. O. Box 127, Meshoppen, PA 18630). Blasting for well site and access road located in Herrick Township, **Bradford County**. Permit issued: September 19, 2012. Permit expires: December 31, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58124185. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Bluestone 2 Pipeline in Harmony Township, **Susquehanna County** with an expiration date of September 13, 2013. Permit issued: September 19, 2012.

**58124015. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Unit 63 in Jackson Township, **Susquehanna County** with an expiration date of December 31, 2012. Permit issued: September 20, 2012.

**35124001. Keystone Quarry**, (249 Dunham Drive, Dunmore, PA 18512) and Maurer & Scott, Inc., (122 East Thomas Street, Coopersburg, PA 18036), construction blasting for the Keystone Sanitary Landfill, Inc. Subsurface, Surface and Cell Construction in Dunmore & Throop Boroughs, **Lackawanna County** with an expiration date of December 31, 2017. Permit issued: September 20, 2012.

**58124016. John Brainard**, (2978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Pad 70 in New Milford Township, **Susquehanna County** with an expiration date of June 30, 2013. Permit issued: September 20, 2012.

**58124017. John Brainard**, (2978 State Route 2073, Kingsley, PA 18826), construction blasting for G B 2 in New Milford Township, **Susquehanna County** with an expiration date of December 31, 2012. Permit issued: September 20, 2012.

**38124121. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for London Croft in North Londonderry Township, **Lebanon County** with an expiration date of September 30, 2013. Permit issued: September 20, 2012.

**58124186. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for MacDowell Pipeline in Harford Township, **Susquehanna County** with an expiration date of September 17, 2013. Permit issued: September 20, 2012.

**58124189. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Young Freshwater Impoundment in Oakland Township,

**Susquehanna County** with an expiration date of September 17, 2013. Permit issued: September 20, 2012.

**0914102. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Perkasio Utility Trench in West Rockhill and East Rockhill Townships, **Bucks County** with an expiration date of September 17, 2013. Permit issued: September 24, 2012.

**66124117. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Pipeline from PG5 to PG2 in Washington Township, **Wyoming County** with an expiration date of December 31, 2012. Permit issued: September 24, 2012

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E22-576: South Hanover Township Sewer Authority**, 111 West Third Street, Hershey, Pennsylvania 17033, in South Hanover Township, **Dauphin County**, ACOE Baltimore District

To remove existing structures and construct and maintain: 1) a 310.0-square-foot concrete control building with stairs; 2) a 460.0-square-foot concrete dry well building; 3) a 55.0-square-foot concrete generator pad; 4) a 40.0-square-foot concrete loading dock; 5) a 184.0-square-foot metal platform with stairs; 6) a 50.0-square-foot concrete wet well; 7) a 322.0-square-foot gravel pad; 8) an 8.0-foot high by 118.0-foot long chain link fence; 9) an 8.0-foot high by 67.0-foot long chain link fence in the floodway and floodplain of Kellock Run; and to place and maintain ten cubic yards of fill and 1,570.0 square feet of pavement in the floodway of Kellock Run (WWF, MF); and 173.0 cubic yards of fill and 614.0 square feet of pavement in

the floodplain of Kellock Run (WWF, MF), all for the purpose of upgrading the capacity of an existing pump station. The project is located along Stoudt Road (Hershey, PA Quadrangle; N: 8.52 inches, W: 11.66 inches, Latitude: 40°17'48.8", Longitude: -76°42'31") in South Hanover Township, Dauphin County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-475. Williams Oil and Propane, Inc.**, 44 Reuter Boulevard, P. O. Box 207, Towanda, PA 18848-2153. Water Obstruction and Encroachment Joint Application, Dandy Mini-Mart, Store #36, in Monroe Borough, **Bradford County**, ACOE Baltimore District (Monroeton Quadrangle - Latitude N 41° 43' 7.32", Longitude W 76° 28' 19.92").

The Department is giving the applicant consent to construct, operate and maintain 0.21 acres of wetland fill associated with the construction of a Dandy Mini-Mart facility, gas islands & parking, which requires the following two (2) permanent wetland encroachments:

<i>Permit ID</i>	<i>Activity</i>	<i>Impact Acreage</i>	<i>Resource</i>	<i>Water Quality</i>
Wetland A	Fill/Grading	0.15 acre	PFO Wetland	WWF
Wetland B	Fill/Grading	0.06 acre	PEM Wetland	WWF

The permanent wetland encroachments will be mitigated through the creation of a minimum 0.06 acre PEM and 0.30 acre PFO wetlands on-site. The projects are located southeast of the intersection of SR 0414 and SR 0220 in the Village of Monroe in Bradford County. This permit also authorizes the construction, operation, maintenance and removal of a temporary road crossing.

**E17-444. Lynn L. Coudriet**, 175 April Lane, Morrisdale, PA 16858-8459. Coudriet Access Road Project, Graham Township, **Clearfield County**, ACOE Baltimore District (Frenchville, PA Quadrangle Latitude: 41° 03' 35.79"; Longitude: 78° 11' 40").

This authorization grants approval to construct, operate and maintain a private access road across and along Willholm Run (CWF) and an unnamed tributary requiring the following five (5) encroachments:

<i>Activity</i>	<i>Resource</i>	<i>Latitude</i>	<i>Longitude</i>
Road Crossing	Tributary Willholm	41° 03' 14.65"	78° 11' 33.98"
Roadway #1	Willholm Run Floodway	41° 03' 25.05"	78° 11' 35.12"
Roadway #2	Willholm Run Floodway	41° 03' 32.75"	78° 11' 36.84"
Roadway #3	Willholm Run Floodway	41° 03' 36.70"	78° 11' 41.64"
Single Span Bridge	Tributary Willholm Run	41° 03' 51.0"	78° 11' 43.90"

The private road crossing the unnamed tributary shall be constructed with a circular culvert pipe having a minimum diameter of 36-inches and length of 30-feet. Installation of the in-stream culvert shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. The culvert pipe shall be depressed a minimum of 6-inches below inlet and outlet invert elevations. The private bridge across Willholm Run shall be constructed with abutments outside the waterway, a minimum abutment to abutment span of 38-feet and minimum underclearance of 4.75-feet. The project is located along the northern right-of-way of Palestine Road (T -696) approximately 600-feet east of Log Cabin Lane and Palestine Road intersection.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1644. Todd A. McMullen**, 745 Metz Road, Tarentum, PA 15084-3032, Fawn Township, **Allegheny County**, ACOE Pittsburgh District.

Applicant has been given consent to operate and maintain the existing 48 inch diameter and 36 inch diameter culverts each approximately 50 feet long in the channel of said stream for the purpose of providing access to applicants property and to operate and maintain an existing utility line crossing of Metz Run. The project is located on the north side of Metz Road (T-772), approximately 1,700.0 feet upstream from the mouth of said stream (Curtisville, PA Quadrangle N: 0.5 inch; W: 1.2 inches; Latitude: 40°-37'-48"; Longitude: 79°-45'-31") in Fawn Township, Allegheny County.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-052: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 3 linear feet of an unnamed tributary to



Foster Branch Sugar Run (CWF) and impacting 1,392 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'04", Longitude: -76°19'44");

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) (Colley, PA Quadrangle Latitude: 41°35'15", Longitude: -76°19'47");

3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) (Colley, PA Quadrangle Latitude: 41°35'17", Longitude: -76°19'56");

4. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 20 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) (Colley, PA Quadrangle Latitude: 41°35'20", Longitude: -76°19'56");

5. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 25 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) (Colley, PA Quadrangle Latitude: 41°35'20", Longitude: -76°19'25");

6. two 16 inch temporary waterlines and a timber mat bridge impacting 27 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) and impacting 1,215 square feet of an adjacent Palustrine Emergent Wetland and a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'18", Longitude: -76°19'22");

7. two 16 inch temporary waterlines and a timber mat bridge impacting 1,395 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°19'15");

8. two 16 inch temporary waterlines and a timber mat bridge impacting 2,422 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°19'07");

9. two 16 inch temporary waterlines and a timber mat bridge impacting 2,002 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'57", Longitude: -76°18'49");

10. two 16 inch temporary waterlines and a timber mat bridge impacting 32 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) and impacting 821 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'42", Longitude: -76°18'41");

11. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 20 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) (Colley, PA Quadrangle Latitude: 41°34'41", Longitude: -76°18'40");

12. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) (Colley, PA Quadrangle Latitude: 41°34'43", Longitude: -76°18'36");

13. two 16 inch temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF) and impacting 147 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°18'23");

14. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to Foster Branch Sugar Run (EV) (Colley, PA Quadrangle Latitude: 41°35'29", Longitude: -76°18'16");

The project will result in 244 linear feet and 895 square feet of temporary stream impacts and 9,394 square feet (0.22 acre) of temporary PEM and PSS wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

**E4129-044: Anadarko E&P Company LP**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Mifflin Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a single-span steel-beam bridge over an existing bridge and stone stream bank stabilization impacting 85 linear feet Little Harbor Run (EV,MF) (Salladasburg, PA Quadrangle 41°19'38"N 77°14'09"W);

2) a 24 inch culvert impacting 37 linear feet of an unnamed tributary to Little Harbor Run (EV,MF) (Salladasburg, PA Quadrangle 41°20'10"N 77°13'58"W).

The project will result in 122 linear feet of stream impacts for the purpose of providing access to multiple Marcellus Shale well pads.

**E5729-037: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, New York, 14845, Fox Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Fall Run (EV) (Grover, PA Quadrangle 41°32'20"N, 76°45'16"W);

(2) A temporary road crossing using a timber mats and a 16 inch diameter gathering line impacting 5,389 square feet of an exceptional value palustrine emergent/scrub-shrub (EV-PEM/PSS) wetland (Grover, PA Quadrangle 41°32'19"N, 76°45'22"W);

(3) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 138 linear feet of an unnamed tributary to Fall Run (EV) (Grover, PA Quadrangle 41°32'19"N, 76°45'29"W);

(4) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 541 square feet of an exceptional value palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°32'16"N, 76°45'35"W);

The project will result in 5,930 square feet of temporary wetland impacts and 330 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Fox Township, Sullivan County. The permittee will provide 0.22 acre of compensatory mitigation at impacts throughout the project and at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

**E5929-032: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston and Richmond Townships, **Tioga County**, ACOE Baltimore District. To construct, operate, and maintain:

1) temporary road crossings using wood mat bridges, a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 4,200

square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47' 21"N 77°10'53"W);

2) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 769 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°47'18"N 77°10'43"W);

3) a temporary road crossing using a wood mat bridge impacting 429 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°47' 13"N 77°10'32"W);

4) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 1,354 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47' 11"N 77°10'25"W);

5) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 761 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Crooked Creek, PA Quadrangle 41°46' 59"N 77°10'05"W);

6) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 1,426 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Crooked Creek, PA Quadrangle 41°46' 46"N 77°09'58"W);

7) a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 590 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°46'50"N 77°10'00"W);

8) a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 712 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°46'39"N 77°10'07"W);

9) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, a 24 inch diameter natural gas line, and a fiber optic cable impacting 3,346 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°46'33"N 77°10'17"W).

The project will result in 13,587 square feet (0.31 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline, a natural gas line, a fiber optic cable, and associated access roads in Charleston and Richmond Townships, Tioga County.

### WATER QUALITY CERTIFICATIONS

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19428*

**Certification Request** Initiated By: **401 Water Quality Certification: Department of the Army**, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3391

This project involves the discharge of supernatant from the Fort Mifflin Confined Disposal Facility to the Schuylkill River. The project consists of maintenance dredging of the Schuylkill River Main Channel. Approximately 300,000 cubic yards of sediment will be dredged from the navigation channel to maintain the project depth of 33 feet, and dredged material will be hydraulically placed into the Fort Mifflin Confined Disposal Facility (CDF). Sediment will be retained in the CDF, and clarified supernatant will be returned to the River. The approval will be in effect for one year. Based on an estimated flow of 15 MGD, the following effluent limits and effluent monitoring requirements apply:

<i>Parameter</i>	<i>Average Monthly Limit (mg/l)</i>	<i>Maximum Daily Limit (mg/l)</i>	<i>Instantaneous Maximum Limit (mg/l)</i>	<i>Monitoring Frequency</i>
Flow (MGD)	Monitor/Report	Monitor/Report		Daily
Total Suspended Solids	3,000		4,500	Daily
pH		6-9 units at all times		Daily
Aluminum, Total	8.5	17.0		1/Week
Copper, Total	0.079	0.158		1/Week
Lead, Total	0.021	0.042		1/Week
Mercury, Total	0.0006	0.0012		1/Week
Nickel, Total	0.46	0.92		1/Week
4,4' DDD	Monitor/Report using EPA Method 608			2/Month
4,4' DDE	Monitor/Report using EPA Method 608			2/Month
4,4' DDT	Monitor/Report using EPA Method 608			2/Month
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)			1/Week
PCBs—209 Congeners	Monitor/Report Using EPA Method 1668A			2/Month

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-015-0180  
Applicant Name Angelina Gathering Co LLC  
Contact Person Mr. Danny Spaulding  
Address 2350 N Sam Houston Pkwy E, Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford  
Township(s) Herrick  
Receiving Stream(s) and Classification(s) Cold Creek—WWF

ESCGP-1 # ESX12-113-0033  
Applicant Name Chesapeake Appalachia LLC  
Contact Person Eric Haskins  
Address 101 N Main St  
City, State, Zip Athens, PA 18810  
County Sullivan  
Township(s) Forks  
Receiving Stream(s) and Classification(s) Big Bottom Run—CWF/EV  
UNT to Big Bottom Run—CWF/EV

ESCGP-1 # ESX12-131-0022  
Applicant Name Williams Field Services Co LLC  
Contact Person Tom Page  
Address 1605 Coraopolis Heights Rd  
City, State, Zip Moon Township, PA 15108  
County Wyoming & Susquehanna  
Township(s) Nicholson & Lathrop  
Receiving Stream(s) and Classification(s) Tributary 28922 to Field Brook—CWF/MF  
Tributary 28921 to Field Brook—CWF/MF  
Field Brook—CWF/MF  
Tributary 28912 to Monroe Creek—CWF/MF  
Tributary 28911 to Monroe Creek—CWF/MF  
Tributary 28916 to Tunkhannock Creek—CWF/MF  
Tributary 28915 to Tunkhannock Creek—CWF/MF  
Monroe Creek—CWF/MF

ESCGP-1 # ESX10-015-0303(01)  
Applicant Name Talisman Energy USA Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike  
Receiving Stream(s) and Classification(s) Williams Creek—CWF/MF  
Unt to Gaylord Creek—CWF/MF

ESCGP-1 # ESX12-115-0161  
Applicant Name Cabot Oil & Gas Corp  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna  
Township(s) Lenox  
Receiving Stream(s) and Classification(s) Unnamed Tributary to Martins Creek—CWF

ESCGP-1 # ESX10-081-0105(03)  
Applicant Name Anadarko E&P Company LP  
Contact Person Rane Wilson  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cascade  
Receiving Stream(s) and Classification(s) Slacks Run—EV  
UNT to Joe Gray Run—EV

ESCGP-1 # ESX12-081-0069(01)  
Applicant Name PVR Marcellus Gas Gathering LLC  
Contact Person Kevin Roberts  
Address 100 Penn Tower, Suite 201-202, 25 W Third St  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cogan House  
Receiving Stream(s) and Classification(s) Hoagland Run—HQ-CWF/MF

ESCGP-1 # ESX12-015-0181  
Applicant Name Angelina Gathering Co LLC  
Contact Person Mr. Danny Spaulding  
Address 2350 N Sam Houston Pkwy E, Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford  
Township(s) Herrick and Orwell  
Receiving Stream(s) and Classification(s) Rummerfield Creek—WWF

ESCGP-1 # ESX12-117-0079  
Applicant Name SWEPI LP  
Contact Person H James Sewell  
Address 190 Thorn Hill Rd  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Sullivan  
Receiving Stream(s) and Classification(s) Corey Creek/Susquehanna River Basin in PA—Tioga River (List H)—CWF/none

ESCGP-1 # ESX12-081-0126  
Applicant Name Range Resources—Appalachia LLC  
Contact Person Mary Patton  
Address 100 Throckmorton St, Suite 1200  
City, State, Zip Ft Worth, TX 76102  
County Lycoming  
Township(s) Cogan House  
Receiving Stream(s) and Classification(s) Unnamed Tributary to Big Sandy Run—EV  
Unnamed Tributary to Hoagland Run—EV

ESCGP-1 # ESX12-081-0128  
Applicant Name EXCO Resources PA LLC  
Contact Person Gregg Stewart  
Address 3000 Ericsson Drive, Ste 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming  
Township(s) Franklin & Jordan  
Receiving Stream(s) and Classification(s) German Run/Little Muncy Creek—CWF  
West Branch Run/ Little Fishing Creek—CWF

ESCGP-1 # ESX12-015-0183  
Applicant Name Chesapeake Appalachia LLC  
Contact Person Eric Haskins  
Address 101 N Main St  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Wilmot  
Receiving Stream(s) and Classification(s) Unnamed Tributaries to Foster Branch Sugar Run and Foster Branch Sugar Run which are Tributaries to Sugar Run Creek—CWF/MF



## ESCGP-1 # ESX12-015-0182

Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 101 N Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Overton  
 Receiving Stream(s) and Classification(s) UNT Black  
 Creek—EV/CWF  
 UNT Ladds Creek—CWF

## ESCGP-1 # ESX12-115-0159

Applicant Name Susquehanna Gathering Co 1 LLC  
 Contact Person John Miller  
 Address 1299 Oliver Rd, PO Box 839  
 City, State, Zip New Milford, PA 18834  
 County Susquehanna  
 Township(s) Jackson & New Milford  
 Receiving Stream(s) and Classification(s) Deacon Brook,  
 Salt Lick Creek & Lewis Creek—HQ/CWF

## ESCGP-1 # ESX12-115-0170

Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Brooklyn  
 Receiving Stream(s) and Classification(s) Dry Creek—  
 CWF  
 Unnamed Tributary to Dry Creek—CWF  
 Hop Bottom Creek—CWF  
 Unnamed Tributary to Hop Bottom Creek—CWF

## ESCGP-1 # ESX11-115-0156(02)

Applicant Name WPX Energy Appalachia LLC  
 Contact Person David Freudenrich  
 Address 6000 Town Center Blvd, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Tributary 31846  
 to Snake Creek/Snake Creek—CWF/MF  
 Tributary 31975 to Dubois Creek—CWF/MF  
 Secondary: Snake Creek, Dubois Creek, Susquehanna  
 River

## ESCGP-1 # ESX12-115-0164

Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Gibson  
 Receiving Stream(s) and Classification(s) Unnamed  
 Tributary to Tunkhannock—CWF/MF

## ESCGP-1 # ESX12-081-0124

Applicant Name EXCO Resources PA LLC  
 Contact Person Gregg Stewart  
 Address 3000 Ericsson Drive, Ste 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming  
 Township(s) Penn  
 Receiving Stream(s) and Classification(s) UNT to Beaver  
 Run/Beaver Run—CWF

## ESCGP-1 # ESX12-115-0160

Applicant Name Susquehanna Gathering Co 1 LLC  
 Contact Person John Miller  
 Address 1299 Oliver Rd, PO Box 839  
 City, State, Zip New Milford, PA 18834  
 County Susquehanna

Township(s) Harford

Receiving Stream(s) and Classification(s) UNT to E  
 Branch Martins Creek, Martins Creek Watershed—  
 Other

## ESCGP-1 # ESX12-115-0158

Applicant Name WPX Energy Appalachia LLC  
 Contact Person David Freudenrich  
 Address 6000 Town Center Blvd, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Little Rhiney  
 Creek/Snake Creek Watershed—CWF/MF  
 Rhiney Creek/Snake Creek Watershed—CWF/MF  
 Secondary: Susquehanna River

## ESCGP-1 # ESX11-115-0059 (03)

Applicant Name Marcellus Midstream Energy LLC  
 Contact Person Mr Kevin Marion  
 Address 3008 State Route 492  
 City, State, Zip New Milford, PA 18834  
 County Susquehanna & Wyoming  
 Township(s) Bridgewater, Dimock, Jessup, Springville &  
 Lemon, Washington  
 Receiving Stream(s) and Classification(s) East & South  
 Branch Wyalusing Creek—WWF/MF  
 Elk Lake Stream—CWF/MF  
 West Creek—CWF/MF  
 West Branch Meshoppen Creek—CWF/MF  
 Meshoppen Creek—CWF/MF

## ESCGP-1 # ESX12-117-0077

Applicant Name SWEPI LP  
 Contact Person H James Sewell  
 Address 190 Thorn Hill Rd  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Union  
 Receiving Stream(s) and Classification(s) Unnamed  
 Tributaries to French Lick Run—EV

## ESCGP-1 # ESX12-117-0074

Applicant Name SWEPI LP  
 Contact Person H James Sewell  
 Address 190 Thorn Hill Rd  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Sullivan  
 Receiving Stream(s) and Classification(s) Unnamed  
 Tributaries to Corey Creek—CWF/MF

## ESCGP-1 # ESX12-015-0179

Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 101 N Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford

Township(s) Overton

Receiving Stream(s) and Classification(s) Unnamed  
 tributary to Black Creek, which is a tributary to  
 Little Loyalsock Creek—EV  
 Secondary: Little Loyalsock Creek—EV

## ESCGP-1 # ESX12-117-0078

Applicant Name SWEPI LP  
 Contact Person H James Sewell  
 Address 190 Thorn Hill Rd  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Richmond  
 Receiving Stream(s) and Classification(s) Canoe Camp  
 Creek—CWF/MF  
 Secondary: Tioga River—CWF/MF



## ESCGP-1 # ESX12-113-0032

Applicant Name EXCO Resources PA LLC

Contact Person Gregg Stewart

Address 3000 Ericsson Drive, Ste 200

City, State, Zip Warrendale, PA 15086

County Sullivan

Township(s) Shrewsbury

Receiving Stream(s) and Classification(s) Trout Run—EV

Secondary: Muncy Creek—EV

## ESCGP-1 # ESX12-115-0138

Applicant Name Cabot Oil &amp; Gas Corp

Contact Person Kenneth Marcum

Address Five Penn Center West, Suite 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna

Township(s) Bridgewater

Receiving Stream(s) and Classification(s) UNT to Hop

Bottom Creek—CWF

## ESCGP-1 # ESX12-081-0055(01)

Applicant Name Anadarko E&amp;P Company LP

Contact Person Rane Wilson

Address 33 W Third St, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming

Township(s) Mifflin &amp; Piatt

Receiving Stream(s) and Classification(s) Larrys  
Creek—EV

Secondary: Susquehanna River

## ESCGP-1 # ESX10-117-0018(01)

Applicant Name SWEPI LP

Contact Person H James Sewell

Address 190 Thorn Hill Rd

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Liberty

Receiving Stream(s) and Classification(s) UNT to Brion  
Creek/W Branch Susquehanna River—HQ/EV/CWF

Secondary: Brion Creek to Roaring Branch

## ESCGP-1 # ESX12-117-0076

Applicant Name SWEPI LP

Contact Person H James Sewell

Address 190 Thorn Hill Rd

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Delmar

Receiving Stream(s) and Classification(s) Kelsey Creek—  
WWF/MF

Wilson Creek—CWF/MF

Secondary: Boyden Brook, Babb Creek

## ESCGP-1 # ESX12-081-0127

Applicant Name NFG Midstream Trout Run LLC

Contact Person Duane Wassum

Address 6363 Main St

City, State, Zip Williamsville, NY 14221

County Lycoming

Township(s) McIntyre

Receiving Stream(s) and Classification(s) Lower West  
Branch Susquehanna Watershed; Yoder Hollow; Tribu-  
tary 20631 to Grays Run; Long Run—HQ

Secondary: Lower Susquehanna Penns

*Northwest Region: Oil and Gas Program Manager, 230  
Chestnut St., Meadville, PA 16335*ESCGP-1 #ESX12-121-0010A-Stephens Oil Lease-Major  
Modification

Applicant Vista Operating Inc

Contact Joel Hoffman

Address 61 McMurray Road, Suite 300

City Pittsburgh State PA Zip Code 15241

County Venango Township(s) Richland and Rockland(s)

Receiving Stream(s) and Classification(s) Bear Run—  
CWF, Pryor Run -CWFESCGP-1 #ESX12-047-0047—Boone Mountain A & B Well  
Pads

Applicant EOG Resources, Inc.

Contact Jon Jorgenson

Address 2039 South Sixth Street

City Indiana State PA Zip Code 15701

County Elk Township(s) Fox(s)

Receiving Stream(s) and Classification(s) Bear Run & UT  
Sawmill Run—HQ, Little Toby CreekESCGP-1 #ESX12-047-0048—Boone Mountain D & E  
Well Pads

Applicant EOG Resources, Inc.

Contact Jon Jorgenson

Address 2039 South Sixth Street

City Indiana State PA Zip Code 15701

County Elk Township(s) Fox(s)

Receiving Stream(s) and Classification(s) Burch Run,  
Sand Spring Run, UT Sand Spring Run—other Kersey  
Run

## ESCGP-1 #ESX12-085-0011—Gallagher 1H Pad

Applicant Halcon Operating Co., Inc.

Contact Jon Wright

Address 1000 Louisiana Street Suite 6700

City Houston State TX Zip Code 77002

County Mercer Township(s) Greene(s)

Receiving Stream(s) and Classification(s) UNT of  
Shenango River—Ohio River Basin in PA—WWF,  
Shenango River—WWFESCGP-1 #ESX10-019-0031D-Southwest Butler County  
Project Phase Vb-Major Modification

Applicant Rex Energy Operating Corporation

Contact Michael Endler

Address 310 Seven Fields Blvd, Suite 151

City Seven Fields State PA Zip Code 16046

County Butler Township(s) Jackson and Forward(s)

Receiving Stream(s) and Classification(s) UNT to  
Connoquenessing Creek (WWF), UNT to  
Breakneck Creek (WWF)ESCGP-1 #ESX11-019-0098A—Paul Smith Unit 1H Major  
Modification

Applicant XTO Energy, Inc.

Contact Melissa Breitenbach

Address 502 Keystone Drive

City Warrendale State PA Zip Code 15086

Applicant Mountain Gathering, LLC

Contact Dewey Chalos

Address 810 Houston Street

City Fort Worth State TX Zip Code 76102

County Butler Township(s) Jefferson(s)

Receiving Stream(s) and Classification(s) UNT of Thorn  
Creek—CWF, Thorn Creek—CWF

## ESCGP-1 #ESX12-019-0159—Hinch Smith Pipeline

Applicant Mountain Gathering, LLC

Contact Dewey Chalos

Address 810 Houston Street

City Fort Worth State TX Zip Code 76102

County Butler Township(s) Butler, Jefferson, and Penn(s)

Receiving Stream(s) and Classification(s) UNT—DL3(2)  
and UNT D3 to Thorn Creek—CWF, UNT G to  
Patterson Run to Thorn Creek, UNT A and UNT B to  
Butcher Run (WWF), Connoquenessing Creek—WWF

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

12/23/11

ESCGP-1 No: ESX10-059-0002 MAJOR REVISION  
Applicant Name: CHESAPEAKE APPALACHIA LLC

Contact Person MR ERIC HASKINS  
Address: 101 NORTH MAIN STREET

City: ATHENS State: PA Zip Code: 18810

County: GREENE Township: ALEPPO

Receiving Stream (s) And Classifications: UNT (WWF)-  
HARTS RUN-(WWF) FISH CREEK; OTHER

6/25/12

ESCGP-1 No.: ESX12-005-0009

Applicant Name: EQT GATHERING LLC

Contact Person: MR BRIAN CLAUTO

Address: 455 RACETRACK ROAD

City: WASHINGTON State: PA Zip Code: 15301

County: ARMSTRONG Township(s): BURRELL AND KIT-  
TANNING

Receiving Stream(s) and Classifications: TRIBUTARY  
46257 TO HORNEY CAMP RUN, WWF, MF TRIBU-  
TARY 46259 TO HORNEY CAMP RUN, WWF, MF  
TRIBUTARY 46256 TO HORNEY CAMP RUN, WWF,  
MF HORNEY CAMP RUN, WWF, MF TRIBUTARY  
46258 TO HORNEY CAMP RUN, WWF, MF TRIBU-  
TARY 46255 TO HORNEY CAMP RUN, WWF, MF  
TRIBUTARY 46254 TO HORNEY CAMP RUN, WWF,  
MF CROOKED CREEK, WWF, MF TRIBUTARY 46266  
TO CROOKED CREEK, WWF, MF TRIBUTARY 46267  
TO CROOKED CREEK, WWF, MF TRIBUTARY 46280  
TO PINE RUN, WWF, MF; OTHER

8/20/12

ESCGP-1 No.: ESX11-059-0038 MAJOR REVISION

Applicant Name: ENERGY CORPORATION OF  
AMERICA

Contact Person: MR MARK FRY

Address: 1380 ROUTE 286 HIGHWAY EAST SUITE 221

City: INDIANA State: PA Zip Code: 15701

County: GREENE Township(s): CUMBERLAND

Receiving Stream(s) and Classifications: UNT TO SOUTH  
BRANCH MUDDY CREEK; OTHER

8/6/12

ESCGP-1 No.: ESX12-125-0094

Applicant Name: MARKWEST LIBERTY MIDSTREAM &  
RESOURCES LLC

Contact Person: MR RICK LOWRY

Address: 601 TECHNOLOGY DRIVE SUITE 300

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): BLAINE AND BUF-  
FALO

Receiving Stream(s) and Classifications: BUFFALO  
CREEK (HQ-WWF), UNTs TO BUFFALO CREEK (HQ-  
WWF); HQ

2/29/12

ESCGP-1 No.: ESX12-125-0024

Applicant Name: RANGE RESOURCES APPALACHIA  
LLC

Contact Person: MR GLENN D TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

COUNTY WASHINGTON Township(s): AMWELL

Receiving Stream(s) and Classifications: LITTLE

TENMILE CREEK, UNT TO TENMILE CREEK,  
SMITH RUN AND UNT TO SMITH RUN /  
TENMILE CREEK WATERSHED; OTHER

9/4/12

ESCGP-1 No.: ESX12-059-0017 MAJOR REVISION

Applicant Name: ENERGY CORPORATION OF  
AMERICA

Contact Person: MR TRAVIS WENDEL

Address: 1380 ROUTE 286 HWY E SUITE 221

City: INDIANA State: PA Zip Code: 15701

County: GREENE Township(s): CUMBERLAND

Receiving Stream(s) and Classifications: MUDDY CREEK  
AND COAL RUN / LOWER MONONGAHELA WATER-  
SHED; OTHER

### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a  
waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well  
location restrictions).

Persons aggrieved by an action may appeal that action  
to the Environmental Hearing Board (Board) under sec-  
tion 4 of the Environmental Hearing Board Act (35 P. S.  
§ 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relat-  
ing to Administrative Agency Law). The appeal should be  
sent to the Environmental Hearing Board, Second Floor,  
Rachel Carson State Office Building, 400 Market Street,  
PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.  
TDD users may contact the Board through the Pennsylva-  
nia Relay Service, (800) 654-5984. Appeals must be filed  
which the Board within 30 days of publication of this  
notice in the *Pennsylvania Bulletin* unless the appropri-  
ate statute provides a different time period. Copies of the  
appeal form and the Board's rules of practice and proce-  
dure may be obtained from the Board. The appeal form  
and the Board's rules of practice and procedure are also  
available in Braille or on audiotape from the Secretary to  
the Board at (717) 787-3483. This paragraph does not in  
and of itself create a right of appeal beyond that permit-  
ted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the  
appeal must reach the Board within 30 days. A lawyer is  
not needed to file an appeal with the Board.

Important legal rights are at stake, however, so indi-  
viduals should show this notice to a lawyer at once.  
Persons who cannot afford a lawyer may qualify for pro  
bono representation. Call the Secretary to the Board at  
(717) 787-3483.

*Northwest Region District Oil and Gas Operations,  
Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22280-00-00

Well Farm Name Shumhurst S BRA 2H

Applicant Name: Chesapeake Appalachia LLC.

Contact Person: Eric Haskins

Address: 101 North Main Street, Athens, PA 18810

County: Bradford

Municipality Tuscarora Township:

Name of Stream, Spring, Body of Water as identified on  
the most current 7 1/2 minute topographic quadrangle  
map of the United States Geologic Survey subject to the  
Section 3215(b)(4) waiver: Laceyville, Little Tuscarora  
Creek.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8762, Harrisburg, PA 17105-8762.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-43-003	General Electric Transportation 1503 West Main Street Extension Grove City, PA 16127 Attn: David Murone	Mercer	Grove City Borough	2 ASTs storing diesel fuel	50,000 gallons total

[Pa.B. Doc. No. 12-1950. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—Substantive Revision*

**DEP ID:** 270-0810-006. **Title:** Guidance for Performing Single Stationary Source Determinations for the Oil and Gas Industry. **Description:** The Department announces the availability of its final technical guidance for performing single source determinations for the oil and gas industries. This guidance will assist the Department's air program permitting staff in making single source determinations for the oil and gas industries.

There are significant natural gas exploration and extraction activities occurring in the Commonwealth within the Marcellus Shale formation and other formations. Single source determinations arise when stationary air contamination sources belong to the same industrial grouping, are located on one or more contiguous or adjacent properties and are under the control of the same person. These determinations will be made in this Commonwealth on a fact specific and case by case basis, applying the applicable regulatory criteria. This final

guidance applies to case by case analyses conducted by the Department's air program permitting staff when determining whether stationary sources should be considered a single source for permitting requirements applicable to programs including the Prevention of Significant Deterioration, Nonattainment New Source Review and the Title V permitting programs. Copies of this technical guidance document and the comment and response document are available on the Department's public participation web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate) and on the Bureau of Air Quality's web site at: <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-8629>.

**Contact:** Krishnan Ramamurthy, Chief of the Division of Permits, Bureau of Air Quality at Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, [kramamurth@pa.gov](mailto:kramamurth@pa.gov) or (717) 787-4325.

**Effective Date:** October 6, 2012

#### *Draft Technical Guidance—Substantive Revision*

**DEP ID:** 383-2127-103. **Title:** Permitting of Bulk Water Hauling Systems Guidance. **Description:** This guidance document establishes procedures that the Department staff will follow in the implementation of permitting activities for bulk water hauling systems. Recognizing that the number of bulk water hauling customers is more likely to vary from year to year than those served by a piped system, discretion in maintaining a bulk water hauling permit is provided to account for systems that may periodically drop below the required number of connections or people served.

**Written Comments:** Interested persons may submit written comments on this draft technical guidance document by November 5, 2012. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. All comments, including comments submitted by e-mail, must include the originator's name and address. Written comments should be submitted to Godfrey Maduka, Department of Environmental Protection, Bureau of Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467 or [gomaduka@pa.gov](mailto:gomaduka@pa.gov).

**Contact:** Questions regarding the draft technical guidance should be directed to Godfrey Maduka at [gomaduka@pa.gov](mailto:gomaduka@pa.gov) or (717) 787-9633.



*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1951. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 11(1052)101.1, Abandoned Mine Land Reclamation Project, Stackhouse Park, Westmount Borough, Cambria County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; shaft filling 1,000 cubic yards; and concrete cap 35 cubic yards. This bid issues on October 5, 2012, and bids will be opened on October 30, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1952. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 16(6030)101.1, Abandoned Mine Land Reclamation Project, Truittsburg South, Redbank Township, Clarion County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 857,000 cubic yards; ditch excavation 1,200 cubic yards; R4 rock lining with filter material 1,255 cubic yards; and seeding 61 acres. This bid issues on October 5, 2012, and bids will be opened on November 1, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1953. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 54(4134)101.1, Abandoned Mine Land Reclamation Project, Stump Run, Tremont Township, Schuylkill County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 325,150 cubic yards; drainage

excavation 3,300 cubic yards; rock lining 3,845 cubic yards; and seeding 45.3 acres. This bid issues on October 5, 2012, and bids will be opened on October 30, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1954. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Extension of General Permit Number WMGR081 for Processing and Beneficial Use of Electronic Equipment and Components by Sorting, Disassembling or Mechanical Processing

Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending the permit term of General Permit Number WMGR081 for a period of 12 months to October 21, 2013. General Permit WMGR081 is currently scheduled to expire at 12 a.m. on October 21, 2012. This 12-month extension will be effective on October 21, 2012, and will expire at 12 a.m. on October 21, 2013, or upon issuance of an amended General Permit Number WMGR081.

The Department is extending the availability of this general permit to make necessary revisions to the permit and include provisions of the Covered Device Recycling Act (35 P.S. §§ 6031.101—6031.702). The amended WMGR081 will then be published for public review and comment prior to finalizing the permit.

The opportunity to apply for a determination of applicability under General Permit Number WMGR081 will continue to be available from the Department under the current general permit until it is replaced or updated. In addition, the permit documents are on file at the Department's Bureau of Waste Management, Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg, PA 17106.

The permit documents can also be obtained by contacting Peter Arnt at parnt@pa.gov or (717) 787-7381. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). General Permit Number WMGR081 is also available on the Department's web site at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=589685&mode=2>.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1955. Filed for public inspection October 5, 2012, 9:00 a.m.]



## Municipal and Residual Waste General Permit Number WMGR097

Proposed amendments under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904) and Residual Waste Regulations for a General Permit authorizing Research and Development of the Beneficial Uses of Municipal and Residual Waste.

General Permit Number WMGR097 authorizes research and development activities to demonstrate the beneficial use of residual waste or municipal waste, or both.

The Department of Environmental Protection (Department) is considering a number of modifications to General Permit Number WMGR097. These modifications include:

1. Reorganization of the general permit for overall clarity and ease of use.
2. Clarification of the registration process and specification of the forms and information required for a person proposing to operate under WMGR097.
3. Clarification of the requirements to justify large scale projects and projects with a proposed duration greater than 1 year.
4. Clarification of the operating conditions, recordkeeping requirements and reporting requirements of WMGR097.

Copies of the draft amended General Permit Number WMGR097 are available on the Department's Public Participation web site at <http://www.portal.state.pa.us/portal/server.pt/community/proposals/14008>. Copies may also be obtained by contacting the Division of Municipal and Residual Waste at (717) 787-7381.

Written comments concerning modification to General Permit Number WMGR097 should be directed to Ali Tarquino Morris, Chief, Program Development and Support Section, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Comments may also be submitted by e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comments by e-mail, place "Comments on "WMGR097" in the subject line. Faxed comments will not be accepted. Public comments must be submitted by December 5, 2012, and may recommend revisions to, and approval or denial of the modifications. For more information contact the Division of Municipal and Residual Waste at (717) 787-7381.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1956. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests received from September 6, 2012, through September 13, 2012.

### Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

### Certification Request

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 15 days.

#### Applicant

Swatara Township  
Authority  
(Dauphin County)  
NPDES Permit No.  
PA0026735

#### Pollution Reduction Activity Description

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Swatara Township Authority's wastewater treatment plant.

*Applicant*

Gwin, Dobson, &  
Foreman Consulting  
Engineers on behalf of  
Saxton Borough  
Municipal Authority  
(Blair County)  
NPDES Permit No.  
PA0025381

CET Engineering  
Services on behalf of  
Penn Township  
(York County)  
NPDES Permit No.  
PA0037150

CET Engineering  
Services on behalf of  
Dillsburg Area Authority  
(York County)  
NPDES Permit No.  
PA0024431

Salzmann Hughes PC  
on behalf of Gregg  
Township Municipal  
Authority  
(Union County)  
NPDES Permit No.  
PA0114821

*Pollution Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Saxton Borough Municipal Authority's wastewater treatment plant.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Penn Township's wastewater treatment plant.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Dillsburg Area Authority's wastewater treatment plant.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Gregg Township Municipal Authority's wastewater treatment plant.

*Written Comments*

Interested persons may submit written comments on these proposed pollutant reduction activities by October 22, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Schlauderaff, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov.

For further information about these certification requests or the Trading Program contact Brian Schlauderaff, at the previously listed address or phone number or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1957. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Oil and Gas Technical Advisory Board Special Meeting Change

The October 15, 2012, special meeting of the Oil and Gas Technical Advisory Board has been rescheduled. The meeting will now take place on December 11, 2012, at 10 a.m. in the 2nd Floor Auditorium, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the December 11, 2012, meeting is to discuss 25 Pa. Code Chapter 78, Subchapter C (relating to environmental protection performance standards).

Questions concerning this schedule or agenda items can be directed to Kurt Klapkowski, (717) 772-2199 or

[kklapkowski@pa.gov](mailto:kklapkowski@pa.gov). This schedule, agendas for the meetings and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Darek Jagiela at (717) 783-9645 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1958. Filed for public inspection October 5, 2012, 9:00 a.m.]

## Public Notice of the Availability of National Pollutant Discharge Elimination System General Permit for Discharges to Waters of the Commonwealth from Aquatic Animal Production Facilities (PAG-11)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, informs the public of the availability of the National Pollution Discharge Elimination System (NPDES) General Permit for Discharges to Waters of this Commonwealth from Aquatic Animal Production Facilities (PAG-11). The General Permit will become effective at 12 a.m. on October 6, 2012.

This General Permit is intended to provide coverage under the Clean Water Act to Concentrated Aquatic Animal Production (CAAP) facilities, which are required by 40 CFR 122.24(a) (relating to concentrated aquatic animal production facilities (applicable to State NPDES programs, see § 123.25)) to have NPDES permit coverage if the facilities discharge to surface waters. Other non-CAAP facilities may be eligible for coverage under the General Permit if required to obtain permit coverage under The Clean Streams Law for the discharge of pollutants to waters of this Commonwealth.

Notice of the availability of a draft PAG-11 General Permit was published at 42 Pa.B. 2249 (April 21, 2012). A 30-day comment period was provided for as part of the April 21, 2012, draft permit publication. Public comments were received from three individuals. A Comment/Response Document has been prepared and is available on the Department's web site. The Notice of Intent fee for coverage under this General Permit is \$100.

This General Permit, as finalized, has been modified in comparison to the draft permit in the following significant ways:

- Two new eligibility criteria have been added for the General Permit in response to comments from the United States Environmental Protection Agency (EPA). In addition to the eligibility criteria in the draft PAG-11 General Permit, facilities will not be eligible for permit coverage if they: (1) discharge to waters with an EPA-approved Total Maximum Daily Load (TMDL) and the permit coverage would be inconsistent with the assumptions of the TMDL; or (2) are a new facility or an existing facility with new discharges to the Chesapeake Bay watershed, in which

specific limitations for Total Nitrogen and Total Phosphorus will be required in an individual NPDES permit.

- Quarterly monitoring on an “as-used” basis for Formaldehyde has been eliminated and has been replaced with quarterly monitoring for Total Phosphorus to address an EPA comment.

The permit document package will be available at the Department’s central and regional offices, and can also be accessed through the Department’s web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), select “Licensing, Permits and Certification,” then “Program-Specific Permit/Authorization Packages,” then “Water Management,” then “NPDES (National Pollutant Discharge Elimination System),” then “General Permits,” then navigate to the folder for the PAG-11 General Permit.

A notice will be published in the *Pennsylvania Bulletin* for approvals of coverage only (see 25 Pa. Code § 92a.84(c)(3) (relating to public notice of general permits)).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1959. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Change

The Water Resource Advisory Committee (Committee) meeting scheduled for October 10, 2012, has been rescheduled for Wednesday, November 28, 2012, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the rescheduling of the October 10, 2012, Committee meeting should be directed to Duke Adams at [ranadams@pa.gov](mailto:ranadams@pa.gov) or (717) 783-7404. The agenda and meeting materials for the November 28, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection’s (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Select “Public Participation”; “Advisory Committees”; “Water Resources Advisory Committee”).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-7404 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1960. Filed for public inspection October 5, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Berger & Benjamin, LLP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berger & Benjamin, LLP has requested an exception to the requirements of 28 Pa. Code § 571.1

(relating to minimum standards), which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospitals and Healthcare Facilities. The facility specifically requests exemption from the following standards contained in this publication: 3.8-7.2.2.2 (relating to minimum clear width of door openings).

The facility is also requesting an exception to 28 Pa. Code § 569.2 (relating to fire safety standards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1961. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Application of HealthSouth Rehab of Mechanicsburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that HealthSouth Rehab of Mechanicsburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospitals and Healthcare Facilities. The facility specifically requests exception from the following standards contained in this publication: 2.1-7.2.3.2(14) and 2.2-3.9.2.6 (relating to minimum clear floor area; and patient toilet room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.



Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1962. Filed for public inspection October 5, 2012, 9:00 a.m.]

### **Application of Philadelphia Women's Center, Inc. for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Philadelphia Women's Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 569.2 (relating to fire safety standards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1963. Filed for public inspection October 5, 2012, 9:00 a.m.]

### **Application of Planned Parenthood of Western Pennsylvania, Inc. for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Western Pennsylvania, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 551.22(3)(ii) (relating to definitions; and criteria for performance of ambulatory surgery on pediatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1964. Filed for public inspection October 5, 2012, 9:00 a.m.]

### **Application of Reproductive Health and Counseling Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reproductive Health and Counseling Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.3.6.1, 3.8-3.6.5.1, 3.8-7.2.2.2 and 3.8-7.2.3.4(2).

The facility is also requesting an exception to 3.1-7.1.1.1 (relating to the Life Safety Code).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1965. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.6-3.6.10.1, 3.6-3.6.10.2 and 3.6-3.7.2 (relating to flushing-rim clinical sink; hand washing station; and staff toilet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1966. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Application of Windber Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Windber Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.5.3.2 (relating to size of technology distribution room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1967. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Availability of Maternal and Child Health Services Block Grant (Title V) Funds through the Lead Poisoning Prevention and Control Program

The Department of Health's Bureau of Family Health (Bureau) is accepting small no-bid grant applications to support community-based initiatives, targeted to children under 12 years of age, that directly prevent dwelling based illness and injury. The full application may be downloaded at [www.health.state.pa.us/lead](http://www.health.state.pa.us/lead).

Grantees awarded funds through the Lead Poisoning Prevention and Control Program (Program) must use the funds for activities and materials to improve the dwelling-related health and safety of children under 12 years of age across this Commonwealth. Funded services may include:

- 1) Provide training or education for vulnerable populations to raise awareness of home health and safety hazards.
- 2) Intervene to mitigate home health and safety hazards.
- 3) Strengthen infrastructure to increase capacity to prevent illnesses and injuries associated with the home environment.
- 4) Improve data collection methods related to incidence of injuries/illnesses with origins in the home, or exacerbated by the home environment.

Applications will be evaluated upon the creativity and efficacy with which the proposed services will meet these goals. Successful applicants will be awarded small no-bid grants up to \$4,999.99.

**Purpose:** The Program will provide small no-bid grants to successful applicants in an effort to decrease the incidence of preventable child illness and injury due to the presence of health and safety hazards in housing. Applicants are encouraged to identify and provide services to populations that are most at risk for dwelling related illness and injury. Partnerships with organizations that are working toward similar goals are strongly encouraged to support building community infrastructure.

Young, low-income children are particularly vulnerable to health complications associated with unhealthy home environments. For example, when mold, mildew, dust mites, pests or pet dander are present in the home, they contribute to asthma development and exacerbation of respiratory irritation. When these allergens are reduced or eliminated, thereby reducing asthma triggers, children have fewer and milder asthmatic episodes. Other home

conditions that can lead to illness or injury include lead, radon, safety hazards and carbon monoxide.

Lead paint and the dust that results from the breakdown of the paint can lead to serious health issues, including loss of IQ, attention deficit disorder, attention deficit hyperactivity disorder, coma and even death. Homes built before 1978 are more likely to have lead paint in them, and according to the 2010 Census, this Commonwealth ranks fourth in the nation in the number of homes built before 1978.

An estimated 40% of Commonwealth homes have radon levels above the United States Environmental Protection Agency's action guideline. In this Commonwealth in 2008, there were 4,620 nonfatal injuries due to nonmotor vehicle accidents for children 14 years of age and under—a rate of 201.7 per 100,000 residents. Nationally, carbon monoxide is the leading cause of accidental poison deaths and nearly 89% of reported nonfire carbon monoxide incidents occur in the home.

While efforts to reduce across the board childhood illness and injury are necessary, research has demonstrated the need to focus on racial and ethnic minorities. Applicants are encouraged to assess their community and draw upon existing resources and services in reaching high-risk populations and reducing health disparities.

**Funds:** Funding for this project is contingent upon Bureau approval. Project funds must be used to reimburse approved purchases and activities occurring from December 22, 2012, through May 15, 2013, not to exceed \$4,999.99.

**Requirements:** Eligible applicants include public and private organizations, foundations or community based agencies, physically located in this Commonwealth, as recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For profit organizations may apply; however, no applicant may take a profit from these funds.

Applicants may include:

- Hospitals
- Institutions of higher learning
- Faith-based organizations
- Community-based organizations
- Home visiting programs

To conduct business with the Commonwealth, grantees are required to be enrolled in the Systems, Applications and Products system. Applicants who are not enrolled may apply for a vendor identification number by contacting Central Vendor Management Unit, (877) 435-7363 or locally at (717) 346-2676 or <http://www.vendorregistration.state.pa.us> (click on Non-Procurement Registration Form).

**Application Deadlines:** It is anticipated that five awards of \$4,999.99 or less will be made under this grant opportunity. To apply for funding, a complete application must be received by the Bureau by November 9, 2012. Applications may be mailed to the address listed at the end of this notice. Applications may not be faxed or e-mailed. Late applications will not be accepted regardless of the reason.

**Application Process:** Complete the 2012-2013 Application and the Proposed Budget. An authorized official of the organization must sign and date the application.

Submit an original and three complete copies of the application (including the narrative, budget, budget narrative and any supporting attachments). Applications must be page numbered and unbound. Incomplete applications will not be reviewed.

**Award Determination:** All funding decisions are contingent upon the availability of allocated Title V funds and Bureau approval. Applications are scored by a three-member review panel using a rating scale with the following preestablished criteria:

1. The degree of need for the proposed activity, as justified by the applicant.
2. The extent to which the activity can demonstrate a change in awareness and actions.
3. The reasonableness of the proposed expenditures/purchases.
4. The likelihood that the proposed activity will be of on-going, systemic benefit to the target population.

**Notification of Award:** All applicants shall be notified of their award status within 4 weeks of the submission due date. This program reimburses applicants for actual costs incurred by the successful applicant from December 22, 2012, to May 15, 2013, and shall not exceed the approved amount.

**Eligible Costs:** Applicants may apply for funding reimbursement of multiple purchases or activities. However, the maximum cumulative award to any one applicant, as identified by Federal ID number, is \$4,999.99. In all cases Bureau funds must be used as payer of last resort. Small no-bid grant funds may not supplant existing funds. Funds may be used for reimbursement of one time purchases only. The grantee is the sole owner of the purchased property. The budget section of the application must include a budget narrative detailing by line item how project funds will be used and the degree to which competitive bids were secured for purchases. Price quotes, estimates, catalog samples or any other proof of cost must be submitted for every purchase proposed.

Expenses eligible for reimbursement under this project include:

1. Supplies: Carbon monoxide detectors, radon test kits, microfiber, "green" cleaning rags, and the like.
2. Education: training materials, books, workbooks, brochures, posters; translation of educational materials into different languages and for different populations, and the like.
3. Technology: computer equipment/software, videos, CDs, DVDs, and the like.
4. Minor renovation to dwelling such as removal of limited mold infestation, integrated pest management interventions, and the like.

**Ineligible Costs:** The following costs are not eligible for reimbursement under this program:

1. Administrative/indirect costs (that is, costs not uniquely attributable in full to the programmatic activity).
2. New building construction or structural renovation of an existing space.
3. Capital expenses or equipment.
4. Staffing/personnel.
5. One-time consumables (that is, event tickets, food/refreshments, child care, and the like).



By applying for small no-bid grant funding, applicants acknowledge and affirm that they will abide by the previous spending limitations and the provisions of the Maternal and Child Health Services Block Grant Provisions for all money awarded under that application.

**Summary Report and Invoice Procedures:** Approved applicants shall be reimbursed with one check for all approved expenses. To receive reimbursement of approved expenses, awardees must submit an invoice to the Bureau within 30 days following completion of funded activity and no later than June 15, 2013.

Questions should be directed to Todd Christophel, Lead Poisoning Prevention and Control Program, Bureau of Family Health, (717) 772-2762, tochristop@pa.gov.

Applications should be submitted to Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Lead Poisoning Prevention and Control Program, Health and Welfare Building, 7th Floor East Wing, 625 Forster Street, Harrisburg, PA 17120.

Only printed applications received by November 9, 2012, will be accepted. Go to [www.health.state.pa.us/lead](http://www.health.state.pa.us/lead) to download the full application, attachments and forms.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1968. Filed for public inspection October 5, 2012, 9:00 a.m.]

### **Newborn Screening and Follow-Up Program Technical Advisory Board and Infant Hearing Screening Advisory Committee Joint Meeting**

The Newborn Screening and Follow-Up Program Technical Advisory Board, established under the Newborn Child Testing Act (35 P.S. §§ 621—625), and the Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a joint public meeting on Tuesday, October 30, 2012. The meeting will be held at the PaTTAN Office, 6340 Flank Drive Harrisburg, PA 17112 from 9:30 a.m. until 3 p.m.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Suzanne Bellotti or Arthur Florio, Public Health Program Administrators, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). R.S.V.P. by October 9, 2012, to David Hiester at (717) 783-8143.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1969. Filed for public inspection October 5, 2012, 9:00 a.m.]

## **DEPARTMENT OF TRANSPORTATION**

### **Application for Lease of Right-of-Way**

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way

has been submitted to the Department of Transportation by Spirit United Soccer Club, P. O. Box 156, Downingtown, PA 19335.

Spirit United Soccer Club is seeking to lease highway right-of-way located at Parkside Fields on Waterway Road in Downingtown, PA, Parcel B-1 containing 8.218 acres ± and parcel B-2 containing 3.943 acres ± adjacent to SR 6030 sec. B03, for purposes of a soccer field.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-1970. Filed for public inspection October 5, 2012, 9:00 a.m.]

### **Contemplated Sale of Land No Longer Needed for Transportation Purposes**

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P.S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department:

Parcel No. 18—Limerick Township, County of Montgomery. The parcel contains approximately 0.2489 acre situated off of West Ridge Pike and Rupert Road. The estimated fair market value of the parcel is \$61,300. It has been determined that the land is no longer needed for present or future transportation purposes. Contact the Department for bid forms.

Interested public entities are invited to express their interest in purchasing this parcel within 30 calendar days from the date of publication of this notice to Department of Transportation, Engineering District-06, Lester C. Toaso, District Executive, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-1971. Filed for public inspection October 5, 2012, 9:00 a.m.]

## **INDEPENDENT REGULATORY REVIEW COMMISSION**

### **Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, September 20, 2012, and announced the following:

*Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective July 18, 2012*

Environmental Quality Board #7-476: Coal Mining Fees (amends 25 Pa. Code Chapter 86)

*Action Taken—Regulations Approved:*

Department of Transportation #18-427: Messenger Services (amends 67 Pa. Code Chapter 255)

Department of Transportation #18-428: Temporary Registration Cards and Plates (amends 67 Pa. Code Chapter 43)

State Board of Certified Real Estate Appraisers #16A-7019: Implementation of §§ 36.11 and 36.12 (amends 49 Pa. Code Chapter 36)

State Board of Veterinary Medicine #16A-5725: Professional Conduct; Notice of Animal Supervision (amends 49 Pa. Code § 31.21, Principle 7)

**Approval Order**

Public Meeting Held  
September 20, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Department of Transportation—  
Messenger Services;  
Regulation No. 18-427 (#2965)*

On August 10, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 255. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The regulation deletes provisions expressly superseded by amendments to the Vehicle Code, and specifies terms set forth in messenger service agreements.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. §§ 7501 and 7502.1(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting Held  
September 20, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Department of Transportation—  
Temporary Registration Cards and Plates;  
Regulation No. 18-428 (#2966)*

On August 10, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 43. Notice

of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The regulation deletes provisions expressly superseded by amendments to the Vehicle Code, and specifies terms set forth in agent services agreements.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. §§ 1310, 1331, 1332(a), 6103, and 7502.1(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting Held  
September 20, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Certified Real Estate Appraisers—  
Implementation of §§ 36.11 and 36.12;  
Regulation No. 16A-7019 (#2967)*

On August 13, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking amends 49 Pa. Code Chapter 36. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation extends, by one year, a grandfather application deadline for residential real estate appraisers and general appraisers who completed the classroom hours portion of certification requirements prior to an increase to the number of hours that became effective on January 1, 2008.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 457.5(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting Held  
September 20, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Veterinary Medicine—  
Professional Conduct; Notice of Animal Supervision;  
Regulation No. 16A-5725 (#2909)*

On September 6, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Veterinary Medicine (Board). This rulemaking amends 49 Pa. Code § 31.21, Principle 7. The proposed regulation was published in the

September 17, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 13, 2012.

This regulation updates the rules for professional conduct for veterinarians relating to the veterinarian's responsibility to provide clients with information pertaining to after-hours supervision of animals admitted to the veterinarian's facility.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 485.5(1), 485.5(2), and 485.21(12)) and the intention of the General

Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

GEORGE D. BEDWICK,  
Vice Chairperson

[Pa.B. Doc. No. 12-1972. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-475	Environmental Quality Board Triennial Review of Water Quality Standards 42 Pa.B. 4367 (July 7, 2012)	08/21/12	09/20/12
16-53	State Athletic Commission Amateur Mixed Martial Arts Waiver 42 Pa.B. 4720 (July 28, 2012)	08/27/12	09/26/12
18-431	Department of Transportation Roadside Rest Areas 42 Pa.B. 4702 (July 28, 2012)	08/27/12	09/26/12

#### Environmental Quality Board Regulation #7-475 (IRRC #2954)

#### Triennial Review of Water Quality Standards

September 20, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the July 7, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

As noted by the Board in the Preamble to this proposal, this rulemaking fulfills the federally-required triennial review of water quality standards as mandated by the Clean Water Act (CWA) (33 U.S.C.A. §§ 1251—1387). The water quality standards consist of the existing and designated uses of the surface waters of the Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses, and an antidegradation policy.

Included in the rulemaking are new standards for chloride, sulfate, and molybdenum. The inclusion of these new standards has generated substantial interest from various parties. Concern was also expressed about the new standards for resorcinol, strontium and 1,4-dioxane. Comments one through six below relate to all of these new standards.

#### 1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA directs the Independent Regulatory Review Commission (Commission) to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and need. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the Regulatory Analysis Form (RAF).

The information contained in the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. Of particular concern are the Board's responses to the following questions:

- Describe who and how many people will be adversely affected by the regulation. How are they affected? (RAF Question #12)
- List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply. (RAF Question #13)
- Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived. (RAF Question #14)



- Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived. (RAF Question #15)

- Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations. (RAF Question #21)

- How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states? (RAF Question #22)

Without more complete responses to the questions noted above, we cannot determine if this proposed regulation is in the public interest. In the RAF submitted with the final-form rulemaking, the Board should provide more detailed information required under § 745.5(a) of the RRA.

## 2. Possible conflict with statutes.

According to the Board, this rulemaking is being promulgated, in part, under Sections 5(b)(1) and 402 of the Clean Streams Law (Law) (35 P. S. §§ 691.5(b)(1) and 691.402). While we do not question the Board's authority under these provisions, we do question whether the regulation is consistent with Section 5(a) of the Law (35 P. S. § 691.5(a)). That section of the Law requires the following factors to be considered, where applicable, when adopting rules and regulations:

1. Water quality management and pollution control in the watershed as a whole;
2. The present and possible future uses of particular waters;
3. The feasibility of combined or joint treatment facilities;
4. The state of scientific and technological knowledge; and
5. *The immediate and long-range economic impact upon the Commonwealth and its citizens.* (Emphasis added.)

We question whether proper consideration was given to the fifth criterion of Section 5(a). We are aware of the Board's position that under the CWA, the Department of Environmental Protection (DEP) is not to consider achievability or the cost of compliance when developing water quality criteria. However, both the Law and the RRA require it. If the Board submits the final-form regulation without addressing economic impact as required by the Law and the required cost estimates of the RRA and RAF, we request a specific citation to the section of the CWA that is being relied on and a detailed explanation of why the CWA takes precedence over the Law and the RRA.

## 3. Whether the regulation is supported by acceptable data; Protection of the public health, safety and welfare and the effect on the Commonwealth's natural resources.

If data is the basis for a regulation, promulgating agencies are required to provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. This information is required by Section 5(a)(14) of the RRA (71 P. S. § 745.5(a)(14) and Question #11 of the RAF. We appreciate the time and effort spent by the Board in preparing the seven rationale documents submitted as part of this regulatory package.

The House and Senate Environmental Resources Committees (Committees) and other legislators, as well as some members of the regulated community, have questioned various aspects of the data used by the Board to support this rulemaking. Most of the concerns relate to the standards being established for chloride, sulfate and molybdenum. Some commentators expressed concern with the standards being established for resorcinol, strontium and 1,4-dioxane. Those that raised concerns explained why they believe that the data relied on by the Board is not acceptable and, in some instances, provided their own studies and research in support of their positions.

Other members of the regulated community, including the Pennsylvania Fish and Boat Commission, believe that the standards being proposed for chloride and molybdenum should be strengthened to provide greater protection of the Commonwealth's water.

As the final-form regulation is being developed, we encourage the Board to work closely with the regulated community, including DEP's Water Resources Advisory Committee, to build a consensus on what data is appropriate and acceptable. We ask the Board to explain why the data used is appropriate, as compared to the data and contentions raised by each of the commentators.

## 4. Need for the regulation.

Commentators, including the Committees and other legislators, have questioned the need for the new standards. They note that there is no federal mandate to impose these standards and that the Board has not adequately explained the environmental need for the standards. They also note that existing regulations, including § 95.10, relating to treatment requirements for new and expanding mass loadings of total dissolved solids, and the osmotic pressure parameter found in Table 3 of § 93.7, relating to specific water quality criteria, adequately protect the environment from any potential harms of sulfate and chloride. Regarding molybdenum, it is noted that no statewide problem has been documented or identified.

We agree that the Board has not demonstrated the need for the new standards. If the new standards are retained in the final-form rulemaking, we ask the Board to provide a more detailed explanation of why the new standards are needed and why the benefits of the new standards outweigh the costs to the regulated community.

## 5. Direct and indirect costs to the Commonwealth, political subdivisions and private sector; Adverse effects on prices, productivity or competition.

Commentators, along with the Committees and other legislators, have raised concerns with the costs imposed by the new standards and have questioned the correlating benefit to the environment and human health. Included in those concerns is the fiscal impact that the new chloride standard will have on existing conventional oil and gas operations in the Commonwealth. Commentators contend that the chloride standard for discharges will render many existing oil and gas treatment and discharge systems unusable and that this will add to the abandoned well problem in Pennsylvania.

Our first and second comments asked the Board to provide more detailed information about the fiscal impact of the rulemaking. We encourage the Board to work with the regulated community to compute an accurate estimate of the costs associated with implementing this rulemaking. We will use that information to determine if this rulemaking satisfies the economic or fiscal impact criterion of the RRA.

## 6. Feasibility; Reasonableness; Implementation procedures.

Commentators have raised concerns with the feasibility of complying with the rulemaking. They believe it is unreasonable to expect compliance when the necessary technology to comply with the regulation may not be readily available. For example, can water be tested for the presence of 1,4-dioxane? Does the technology exist to treat water discharges to a level that would be in compliance with the rulemaking? Are the test methodologies approved by DEP's Laboratory Accreditation Program appropriate for all of the substances listed in the rulemaking? We ask the Board to explain how DEP will implement the regulation and how the regulated community can comply with all aspects of it.

## 7. Advanced Notice of Final Rulemaking.

In the Preamble to the proposed regulation, the Board states it may consider changes to the section on temperature in the final-form rulemaking. The Board expressly seeks technical and scientific information, data and studies regarding the rate of temperature change and its effect on aquatic organisms.

In order to give the regulated community and other interested parties an opportunity to provide input on changes the Board makes as a result of this request for input, we recommend that the Board publish an Advanced Notice of Final Rulemaking (ANFR). An ANFR would provide the opportunity to review and resolve remaining issues before submittal of a final-form regulation.

## 8. Section 93.4d. Processing of petitions, evaluations and assessments to change a designated use.—Fiscal impact; Reasonableness.

Subsection (a) is being amended to delete the requirement that petitions or assessments of stream redesignations be published in local newspapers. Instead, the required notice can be made "by other means designed to effectively reach a wide audience." A commentator has suggested that all owners of property affected by the potential redesignation be directly notified of the petition and assessment. Since redesignations of streams could have a fiscal impact on land owners, we believe this suggestion is reasonable and ask the Board to consider it as it develops the final-form regulation.

**State Athletic Commission**  
**Regulation #16-53 (IRRC #2958)**  
**Amateur Mixed Martial Arts Waiver**  
**September 26, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the July 28, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Athletic Commission (Athletic Commission) to respond to all comments received from us or any other source.

## 1. Protection of the public health, safety and welfare.

This proposal would allow an amateur mixed martial arts (MMA) contestant who has completed three or more amateur bouts to petition the Athletic Commission to waive the "striking to the head while on the ground" provision and the shin/instep pad requirement of the existing regulations. A commentator has suggested that the decision to implement this proposal should be "in-

formed by the recent medical literature on the very severe and sometimes permanent damage that could occur as a result of a single severe blow or numerous blows the head." We agree that this rulemaking should be based on the most recent medical literature available. As the Athletic Commission moves forward with this proposal, we ask it to consider and provide citations to the most recent medical studies on the potential dangers associated with head injuries, such as chronic traumatic encephalopathy. Additionally, we seek explanation from the Athletic Commission on why it believes the rulemaking adequately protects the health and safety of the contestants.

Another concern is that promoters of amateur MMA events may not provide contests to amateur contestants unless they agree to waive the protections noted above. We recommend that language be added to the rulemaking to prevent promoters from requiring potential contestants from requesting these waivers. It may also be beneficial to require contestants seeking the waiver to affirm that they are doing so because they plan to transition from amateur MMA status to professional MMA status.

Finally, why has the Athletic Commission determined that the waiver provision should be authorized after three amateur bouts? Would the health and safety of the contestants be better protected if they had more experience?

## 2. Section 29.30. Waiver of rule for contestants with three or more amateur bouts.—Implementation procedures; Clarity.

We have several concerns and questions related to clarity and how this rulemaking will be implemented. First, how would a contestant petition the Athletic Commission to apply for a waiver? Would the contestant have to complete a form? Second, if one contestant applies for a waiver, how would the second contestant become aware of the request? Would both contestants have to apply for the waiver at the same time? Third, how soon before a contest would a contestant have to apply for a waiver and how long would the Athletic Commission take to review and decide on the request? Finally, would the contestants be notified in writing of the decision of the Athletic Commission?

In order to improve the clarity of the waiver rule, we suggest that the rulemaking be amended to address these concerns and answer these questions.

**Department of Transportation**  
**Regulation #18-431 (IRRC #2960)**  
**Roadside Rest Areas**  
**September 26, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the July 28, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

## 1. Section 443.2. Prohibited activities or actions.—Clarity.

Section 443.2 is a list of prohibited activities and actions. Subparagraphs (i), (ii) and (iii) under Paragraph (10) are essentially exceptions to the prohibition of releasing pets or unloading livestock. To make this clearer, we suggest that the Department consider including a transi-

tion to Subparagraphs (i), (ii) and (iii), such as “release of pets or unloading livestock with the following exceptions: . . . ,” or similar language.

**2. Section 443.4. Limitation on parking or standing of vehicles—Duplication of existing regulation; Clarity.**

The provisions and topics being added as Section 443.4 also appear in Section 443.2 or could be included in Section 443.2. We have three observations.

First, Subsection (a), relating to parking or standing of a vehicle for more than two hours, would be added to the Department’s regulation in this section; however, it is identical to the existing prohibition at Paragraph 443.2(2). For this reason, we recommend deleting Subsection (a) from Section 443.4.

Second, Subsection (c), relating to the two-hour limit to repair a vehicle, further explains the provision in Paragraph 443.2(9). It may be clearer to include both of these provisions in Paragraph 443.2(9) to clarify that if a vehicle cannot be repaired in two hours it must be towed.

Finally, given the possibility that Subsections (a) and (c) may be deleted from Section 443.4, Subsection (b), relating to unattended vehicles, could be phrased as a prohibition under Section 443.2.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-1973. Filed for public inspection October 5, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Capital BlueCross and Capital Advantage Insurance Company; Proposed Rate Increase for the Individual Direct Pay Special Care Hospitalization-Medical-Surgical Program; Filing No. 12-41; Rate Filing**

By filing 12-41, Capital BlueCross and Capital Advantage Insurance Company request approval of adjusted rates for the Special Care Program. The requested increase is 9.5%. A January 1, 2013, effective date has been requested. The proposed rate increase would affect approximately 2,592 contracts and would produce additional annual premium of approximately \$768,000.

Unless formal administrative action is taken prior to December 20, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on the link “PA Bulletin.”

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department’s regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1974. Filed for public inspection October 5, 2012, 9:00 a.m.]

**Capital BlueCross and Capital Advantage Insurance Company; Proposed Rate Increase for the Individual Guaranteed Issue Comprehensive Major Medical Preferred Provider Organization Benefit Program; Filing No. 12-47; Rate Filing**

By filing 12-47, Capital BlueCross and Capital Advantage Insurance Company request approval of adjusted rates for the Individual Guaranteed Issue Comprehensive Major Medical Preferred Provider Organization Benefit Program. The requested increase is 9.9% and applies to the Plans’ 21-county Central Pennsylvania and Lehigh Valley service area. A January 1, 2013, effective date has been requested. The proposed rate increase would affect approximately 40 contracts and would produce additional annual premium of approximately \$24,400.

Unless formal administrative action is taken prior to December 20, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on the link “PA Bulletin.”

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department’s regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1975. Filed for public inspection October 5, 2012, 9:00 a.m.]

**Great Northern Insurance Company; Homeowners; Rate Revision**

On September 18, 2012, the Insurance Department (Department) received from Great Northern Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 5.0% increase amounting to \$2,435,839, to be effective December 10, 2012, for new business and January 24, 2013, for renewal business. This overall figure represents an average, the effect of this filing on the rates for individual consumers may vary.



Unless formal administrative action is taken prior to October 17, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments regarding the filing to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1976. Filed for public inspection October 5, 2012, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Centre County, Wine & Spirits Store #1407 (Relocation), Bellefonte, PA

*Lease expiration date:* May 31, 2016

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space serving Bellefonte, PA. The storeroom should have access to free parking and be able to accommodate tractor trailer deliveries.

*Proposals due:* October 13, 2012, at 12 p.m.

**Contact:** Peter D. Keelan, (412) 491-8029  
JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 12-1977. Filed for public inspection October 5, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Intra-Company Changes

A-2012-2326252, A-2012-2326253, A-2012-2326255, A-2012-2326256, A-2012-2326258, A-2012-2326259. Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business, Conversent Communications of Pennsylvania, LLC, d/b/a EarthLink Business, CTC Communications Corporation, d/b/a EarthLink Business, DeltaCom, LLC, d/b/a EarthLink Business, Lightship Telecom, LLC and EarthLink Business, LLC, f/k/a New Edge Networks, Inc. Joint application of Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business, Conversent Communications of Pennsylvania, LLC, d/b/a EarthLink Business, CTC Communications Corporation, d/b/a EarthLink Business, DeltaCom, LLC, d/b/a EarthLink Business, Lightship Telecom, LLC and EarthLink Business, LLC, f/k/a New Edge Networks, Inc., for approval of certain pro forma intra-company changes.

ness, LLC, f/k/a New Edge Networks, Inc., for approval of certain pro forma intra-company changes.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 22, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business, Conversent Communications of Pennsylvania, LLC, d/b/a EarthLink Business, CTC Communications Corporation, d/b/a EarthLink Business, DeltaCom, LLC, d/b/a EarthLink Business, Lightship Telecom, LLC, EarthLink Business, LLC, f/k/a New Edge Networks, Inc.

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens and Lee, Harrisburg Market Square, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1978. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 22, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2012-2310677. (Corrected) Steven Nolt, t/a Nolt's Van Service** (1256 Edgewood Drive, East Earl, Lancaster County, PA 17519)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2012-2317004. PRN Transit Service, Inc.** (573 Braddock Avenue, East Pittsburgh, PA 15112), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in Allegheny County to points in Allegheny County and return.

**A-2012-2317384. E & M Trans, Inc.** (2601 South Muhlfeld Street, Philadelphia, PA 19142)—for the right to begin to transport, as a common carrier, persons in limousine service, from points in the Counties of Berks, Bucks, Chester, Delaware, Lehigh and Montgomery to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Ellas Limo Inc;  
C-2012-2314103*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Ellas Limo, Inc., Respondent, maintains a principal place of business at 371 Avon St., Philadelphia, Philadelphia County, PA 19116.

2. That Respondent was issued a certificate of public convenience by this Commission on September 9, 2005, at Docket No. A-00121390, for limousine authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Ellas Limo, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

David W Loucks, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA. 17105-326

### VERIFICATION

I, David W. Loucks, Chief of Enforcement for the Motor Carrier Services Division of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/23/2012

David W. Loucks, Chief of Enforcement  
Motor Carrier Services & Enforcement  
Division  
Bureau of Investigation and Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1979. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2325480. Verizon North, LLC and Buffalo-Lake Erie Wireless Systems Co., LLC.** Joint petition of Verizon North, LLC and Buffalo-Lake Erie Wireless Systems Co., LLC for approval of amendment No. 1 to an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and Buffalo-Lake Erie Wireless Systems Co., LLC, by its counsel, filed on September 20, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and Buffalo-Lake Erie Wireless Systems Co., LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1980. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2325475. Verizon Pennsylvania, Inc. and Buffalo-Lake Erie Wireless Systems Co., LLC.** Joint petition of Verizon Pennsylvania, Inc. and Buffalo-Lake Erie Wireless Systems Co., LLC for approval of amendment No. 1 to an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Buffalo-Lake Erie Wireless Systems Co., LLC, by its counsel, filed on September 20, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Buffalo-Lake Erie Wire-

less Systems Co., LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1981. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2325351. Verizon Pennsylvania, Inc. and Wide Voice, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Wide Voice, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Wide Voice, LLC, by its counsel, filed on September 20, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Wide Voice, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1982. Filed for public inspection October 5, 2012, 9:00 a.m.]

### Telecommunications Services

**A-2012-2326081, A-2012-2326085 and A-2012-2326168. US Signal Company, LLC.** Application of US Signal Company, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Armstrong Telephone Company—PA, Consolidated Communications of PA Company and Windstream PA, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 22, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.



*Applicant:* US Signal Company, LLC

*Through and By Counsel:* Katherine Baker Marshall,  
Arent Fox, LLP, 1050 Connecticut Avenue NW, Washing-  
ton, DC 20036

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1983. Filed for public inspection October 5, 2012, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-073.9, Maintenance Dredging for Various PRPA Facilities, until 2 p.m. on Tuesday, October 23, 2012. Information (including manda-

tory prebid information) can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1984. Filed for public inspection October 5, 2012, 9:00 a.m.]

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### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-083.D, Sale of Electrical Cable (used), until 2 p.m. on Thursday, October 25, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1985. Filed for public inspection October 5, 2012, 9:00 a.m.]

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# PROPOSED RULEMAKING

## STATE BOARD OF EDUCATION

[ 22 PA. CODE CH. 4 ]

### Academic Standards and Assessment

The State Board of Education (Board) proposes to amend Chapter 4 (relating to academic standards and assessment) to read as set forth in Annex A. The Board is acting under the authority of sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B).

#### *Purpose*

Chapter 4 sets forth requirements for State academic standards, assessments and State high school graduation standards for public schools across this Commonwealth including school districts, area vocational-technical schools (AVTSs), charter schools and cyber charter schools.

#### *Background*

The Keystone Exams became a component of the high school graduation requirements in the final-form rulemaking published at 40 Pa.B. 240 (January 9, 2010). The Board adopted the "Common Core State Standards" and added a component of these standards to Chapter 4 in the final-form rulemaking published at 40 Pa.B. 5903 (October 16, 2010). This proposed rulemaking represents another vital step in implementing the Keystone Exams and their foundational standards.

The formative steps for this proposed rulemaking moved on two tracks. First, the Department of Education (Department) initiated a review of the Common Core State Standards. The Department convened teams of educators in this Commonwealth to inform the drafting of the academic standards. Educators were invited to submit their names for participation on the Mathematics and English Language Arts committees by means of an application on the Department's web site. Membership selection for these two committees was founded on the need to have well-rounded groups representing K-12 education and members with experience in the content areas assessed by Keystone Exams, curriculum framework, Pennsylvania System of School Assessment (PSSA) development and other standards-related initiatives. Committee members participated in several meetings hosted by the Department.

As envisioned by the Council of Chief State School Officers (CCSSO) and the National Governors Association (NGA), these Standards are intended to be a living work; as new and better evidence emerges, the Standards will be revised accordingly. Further study by the Department concluded that students in this Commonwealth would be better served by creating a unique set of Pennsylvania Common Core Standards that align with the National Common Core. The advantages lie in the ability to reframe and revise when necessary absent a CCSSO revision process. The analysis of the Common Core presented an opportunity for educators in this Commonwealth to internalize the standards and create a user friendly standard set for implementation in schools in this Commonwealth.

In the second formative track, the Board's Committee on Academic Standards/Chapter 4 (Committee) oversaw

the review of amendments to the procedures and requirements in Chapter 4. The Committee held public hearings to solicit input on draft revisions regarding the Keystone Exams. In advance of the hearings, draft revisions to Chapter 4 were posted on the Board's web site for public review. Hearings were held at the Montgomery County Intermediate Unit in Norristown on February 29, 2012, and at the Department in Harrisburg on March 14, 2012. A third hearing scheduled to be held in Pittsburgh on March 7, 2012, was cancelled because no one registered to provide comment to the Committee.

In addition to providing an opportunity to testify before the Committee, the Board also invited individuals to submit written testimony on draft proposed revisions to Chapter 4. Comments received during this process were taken into consideration in making amendments to the proposed rulemaking that was approved by the Board at its public meeting on May 10, 2012.

Individuals affiliated with small businesses were welcome to participate in the public hearings convened by the Committee or to submit written testimony to the Board. During its public hearings, the Board received input from two organizations affiliated with the business community in this Commonwealth and representative of businesses of varying sizes. Small businesses are not part of the regulated community affected by the proposed rulemaking.

#### *Need for the Proposed Rulemaking*

This proposed rulemaking is necessary for three reasons.

It is essential to set forth the academic standards that will serve as the substantive underpinning for the Keystone Exams. Therefore, the Board is publishing the Pennsylvania Common Core Standards for English Language Arts and Mathematics in Appendix A to replace current Appendix A. The Board also is publishing the Common Core Standards for Literacy in History/Social Sciences, Science and Technical Subjects as supplements to the Academic Standards for Science and Technology and Environment and Ecology in Appendix B and the Academic Standards for Civics and Government and Economics and Geography and History in Appendix C. In transitioning to the Pennsylvania Common Core, the Board felt these elements of the previously adopted Common Core State Standards were important components that should be retained.

The proposed rulemaking replaces existing language that states a Keystone Exam counts for at least 1/3 of the course grade with the mandate that a student will demonstrate "proficiency" on a Keystone Exam to graduate. This proposed amendment will dramatically enhance the impact of the Keystone Exams.

There is emerging evidence that "high stakes" testing or requiring passage of a test or exam to obtain a high school diploma can be a "potent policy in terms of bringing about real positive changes in student learning." See Wang, L., Beckett, G. and Brown, L. "Controversies of Standardized Assessment in School Accountability Reform: A Critical Synthesis of Multidisciplinary Research Evidence," *Applied Measurement in Education*, 19(4), 320 (2006). To assure that taxpayer dollars produce results in public education, the appropriate standards and assessments need to be coupled with a concrete incentive for learning.



This proposed rulemaking is necessary for the Commonwealth to remain academically competitive with other American public education systems including those in neighboring states. As of the 2010-11 school year, 30 states currently require or plan to require students to take, but not necessarily pass, an assessment to graduate. In 25 of the 30 states (including Maryland, New Jersey, New York, Ohio and Virginia), “students are (or soon will be) required to pass the assessment in order to graduate.” See Center for Education Policy (CEP), *State High School Tests*, p. 11, December 2011.

According to CEP, approximately 76% of public high school students Nationwide, including 78 % of low-income students and 84% of students of color, are enrolled in states with exit exams. The proposed rulemaking would allow the Commonwealth to keep pace with rising academic expectations Nationally while still providing districts and students with significant flexibility and alternatives in implementing and meeting the requirements.

#### *Provisions of the Proposed Rulemaking*

In § 4.3 (relating to definitions), the Board is proposing to add a definition for “Pennsylvania Common Core Standard.” The Board is also proposing to delete the definition for “strategic plan” and amend the definition of “planned instruction” to reflect the deletion of strategic plan provisions from Chapter 4.

Section 4.4(d)(4) (relating to general policies) is proposed to be rewritten to strengthen the security of the State assessment. The proposed language refines and narrows parents and guardians’ right to review a State assessment. The right of review would be limited to allowing parents or guardians to determine whether an assessment conflicts with their religious beliefs. If parents or guardians wish their students to be excused from the assessment, they would be required to submit a written request that states the objection.

Editorial changes also are being made to § 4.4 in recognition of the inclusion of charter and cyber schools in the assessment process.

Proposed amendments to § 4.11 (relating to purpose of public education) are editorial and consistent with substantive changes elsewhere in Chapter 4.

Proposed amendments to § 4.12 (relating to academic standards) announce the dates for adding certain Common Core State Standards and Pennsylvania Common Core Standards to Chapter 4. Proposed language would require full implementation of the Pennsylvania Common Core Standards for English Language Arts and Mathematics by July 1, 2013.

The State-prescribed strategic plan requirements are proposed to be deleted from Chapter 4 through the deletion of the current language in this section. Proposed language provides for the transition from a strategic plan to specific plan components required under other regulations.

The Board is proposing that the implementation of graduation requirements in § 4.24(a) (relating to high school graduation requirements) be moved from the 2013-2014 school year to the 2015-2016 school year. Graduation requirements for the 2015-2016 school year would include course completion and grades, completion of a culminating project and a demonstration of proficiency in English Language Arts and Mathematics. Either State or local assessments might be used. Culminating projects are intended to assure that students are able to apply,

analyze, synthesize and evaluate information, and communicate important knowledge and understanding.

Subsection (b) is proposed to be added to § 4.24.

The existing requirements for the 2014-2015 school year are strengthened and scheduled for the 2016-2017 school year. The Board is proposing that each school district, AVTS and charter school, including a cyber charter school, be required to adopt and implement requirements for high school graduation that, at a minimum, include: 1) course completion and grades; and 2) demonstration of proficiency or above in the State academic standards in English Language Arts and Mathematics, Science and Technology and Environment and Ecology, and in each of the State academic standards for which there is not a State assessment.

Students would be required to demonstrate proficiency on the appropriate Keystone Exam or a specified and validated assessment instrument, including a local assessment, or comparable Advanced Placement or International Baccalaureate exam. Beginning in the 2016-2017 school year, the Board proposes to delete the “culminating project” from the list of graduation requirements.

Beginning in the 2018-2019 school year, the graduation requirements would include a determination of proficiency in Composition in English Language Arts. In the next school year in 2019-2020, the Board is proposing to add Civics and Government to the list of subjects for which a determination of proficiency is required for graduation. As noted in the proposed language in § 4.51(e)(12) (relating to State assessment system), the availability of Keystone Exams for Composition and Civics and Government is subject to funding appropriated by the General Assembly for the development of the exams and assessments.

A proposed provision in this section would allow students who transfer from out-of-State to satisfy the graduation requirements if they have demonstrated proficiency on an assessment consistent with the academic standards of each Keystone Exam subject to guidelines developed by the Secretary and approved by the Board.

Proposed amendments to § 4.51(e) require students to participate in a satisfactory manner in supplemental instruction before they are allowed to retake Keystone Exams in which students did not score at least proficient. A student’s district, AVTS, charter school or cyber charter school is required to provide supplemental instruction until the student demonstrates proficiency in a subject area or the student begins a project-based assessment.

This section sets forth schedules for use of Keystone Exams in different subjects.

School Year 2012-2013 Algebra I  
 School Year 2012-2013 Literature  
 School Year 2012-2013 Biology  
 School Year 2015-2016 English Composition  
 School Year 2016-2017 Civics and Government

The last two Keystone Exam subjects would be contingent on funding from the General Assembly. The first three content areas would become part of assessing high school graduation requirements in the 2016-2017 school year. English Composition would be part of the graduation requirements in the 2018-2019 school year and Civics and Government would be required in the 2019-2020 school year.

In addition to these five Keystone Exams, proposed amendments to this section include the addition of five other Keystone Exams to be developed for voluntary use

by school districts, AVTSs, charter schools and cyber charter schools. Subject to funding appropriated by the General Assembly, the following content area exams would be developed by the Department and made available in accordance with the following schedule:

School Year 2016-2017 Geometry  
 School Year 2017-2018 U.S. History  
 School Year 2018-2019 Algebra II  
 School Year 2019-2020 Chemistry  
 School Year 2020-2021 World History

Proposed amendments also would allow students who do not demonstrate proficiency on a Keystone Exam to enter into a project-based assessment as long as certain conditions are met. A new “emergency waiver” process also is added to allow the Secretary to grant a waiver on case-by-case basis after reviewing the written request of a chief school administrator. Emergency waiver determinations would be provided to schools at least 10 days before graduation.

The Board is proposing to replace the current language in Appendix A with the Pennsylvania Common Core Standards for English Language Arts (Grades Pre K-5), English Language Arts (Grades 6-12) and Mathematics (Grades Pre K-High School). As specified by the CCSSO and NGA, these standards are: 1) research and evidence based; 2) aligned with college and work expectations; 3) rigorous; and 4) Internationally benchmarked.

A particular standard was included in the document only when the best available evidence indicated that its mastery was essential for college and career readiness in a 21st century globally competitive society.

In addition, several minor editorial changes are being made throughout Chapter 4 to be consistent with the deletion of the strategic plan requirement that was in § 4.13.

#### *Affected Parties*

The proposed rulemaking would affect public school districts, AVTSs, and charter and cyber charter schools in this Commonwealth and their employees and students.

#### *Cost and Paperwork Estimates*

The proposed rulemaking does not increase costs for the Commonwealth or local governments inasmuch as that they are accomplishing the policy choices set forth when the Keystone Exams were added to Chapter 4 in 2010. Direct costs to the Commonwealth include the cost to develop the assessments and Pennsylvania Common Core Standards. In Fiscal Year (FY) 2012-13, the costs of the assessments’ development would be \$15.6 million. Related costs in FY 2011-12 were in the Pennsylvania Assessment and Teacher Professional Development programs and the budgets for these programs were \$36.59 million and \$6.459 million respectively.

The proposed deletion of the State-mandated submittal of strategic plans and the deletion of “culminating project” graduation requirement in the 2016-2017 school year would reduce costs for school districts. The extent of these savings would vary from district to district.

#### *Effective Date*

The proposed rulemaking would become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The Board will review the effectiveness of Chapter 4 every 4 years in accordance with the Board’s policy and practice respecting its regulations. Therefore, a sunset date is not necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 20, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comments and Contact Person*

Interested persons and individuals affiliated with small businesses are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this proposed rulemaking to Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126, ra-stateboardofed@pa.gov. Comments must be submitted to the Board within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Karen Molchanow, (717) 787-3787, TDD (717) 787-7367.

KAREN MOLCHANOW,  
*Executive Director*

**Fiscal Note:** 6-326. (1) General Fund; (2) Implementing Year 2012-13 is \$15,601,000; (3) 1st Succeeding Year 2013-14 is \$3,182,000; 2nd Succeeding Year 2014-15 is \$3,200,000; 3rd Succeeding Year 2015-16 is \$3,250,000; 4th Succeeding Year 2016-17 is \$3,300,000; 5th Succeeding Year 2017-18 is \$3,350,000; (4) 2009-10 Program—\$37,620,000; 2010-11 Program—\$31,981,000; 2011-12 Program—\$36,590,000; (7) PA Assessment; (8) recommends adoption.

#### **Annex A**

#### **TITLE 22. EDUCATION**

#### **PART I. STATE BOARD OF EDUCATION**

#### **Subpart A. MISCELLANEOUS PROVISIONS**

#### **CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT**

#### **GENERAL PROVISIONS**

#### **§ 4.3. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

***Pennsylvania Common Core Standards—Academic standards for English language arts and mathematics based upon a Nationwide, state-led process coordinated by the National Governors Association and the Council of Chief State School Officers and in collaboration with teachers, content experts and other education stakeholders. The standards define***

the knowledge and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in work-force training programs.

*Performance Level Advisory Committee*—An advisory committee established by the Department to assist the Department in developing Keystone Exam performance level descriptors and performance level cut scores. The committee includes teachers, principals, school administrators, school board members, higher education officials, representatives of the United States Armed Forces, employers and others with at least one-half of its members selected from nominations made by Statewide teachers' unions and other education stakeholder organizations.

*Planned instruction*—Instruction offered by a school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards as determined [ **in strategic plans under § 4.13 (relating to strategic plans)** ] by the school entity.

\* \* \* \*

[ *Strategic plan*—A comprehensive plan for education developed under § 4.13. ]

\* \* \* \*

#### § 4.4. General policies.

(a) It is the policy of the Board that the local curriculum be designed by school entities to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards [ **designated in strategic plans under § 4.13 (relating to strategic plans)** ] as determined by the school entity.

\* \* \* \*

(d) School entities shall adopt policies to assure that parents or guardians have the following:

\* \* \* \*

(4) [ **The right of the parent or guardian to review the State assessments in the school entity, at least 2 weeks prior to their administration, during convenient hours for parents and guardians. Necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.**

(5) ] **The right to review a State assessment in the school entity during convenient hours for parents and guardians, at least 2 weeks prior to their administration, to determine whether an assessment conflicts with their religious belief. To protect the validity and integrity of the State assessments, each school entity shall have in place procedures to be followed when parents or guardians request to view a State assessment. Procedures must be consistent with guidance provided by the Department in its assessment administration instructions. If upon inspection of a State [ assessments ] assessment parents or guardians find the assessment to be in conflict with their religious belief and wish their students to be excused from the assessment, the right of the parents or guardians will not be denied upon written request that states the objection to the applicable school district superintendent, charter school chief executive officer or AVTS director.**

[ (6) **Opportunity for involvement in the strategic planning process under § 4.13.**

(7) ] (5) The right to have their children excluded from research studies or surveys conducted by entities other than a school entity unless prior written consent has been obtained.

(e) The Department will provide support to school districts [ **and** ], AVTSs **and charter schools, including cyber charter schools**, in developing educational programs that enable students to attain academic standards under § 4.12. Department support will include:

\* \* \* \*

(4) Technical guidance [ **to school districts and AVTSs (including charter schools)** ] in developing local assessments that meet the requirements of [ **§ 4.24(b)(1)(iv)(B)** ] **§ 4.24(c)(1)(iii)(B)**, upon request.

#### ACADEMIC STANDARDS AND PLANNING

##### § 4.11. Purpose of public education.

(a) This section and [ §§ ] § 4.12 [ **and 4.13** ] (relating to academic standards[ **; and strategic plans** ]) describe the purpose of public education[ **, and its relationship with the academic standards[ , their relationship with one another and strategic plans** ].

\* \* \* \*

(d) The academic standards describe the knowledge and skills [ **which** ] **that** students will be expected to demonstrate before graduating from a public school.

\* \* \* \*

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

(1) [ **Reading, writing, speaking, listening and** ] English language arts.

\* \* \* \*

(h) Public education provides planned instruction to enable students to attain academic standards under § 4.12. Planned instruction consists of at least the following elements:

\* \* \* \*

(3) The relationship between the objectives of a planned course, instructional unit or interdisciplinary studies and academic standards specified under § 4.12 and [ **to those determined in the school district's (including charter schools) or AVTS's strategic plan under § 4.13** ] **additional academic standards as determined by the school entity.**

\* \* \* \*

##### § 4.12. Academic standards.

(a) School entities may develop, expand or improve existing academic standards in the following content areas:

(1) *Science and technology.* Study of the natural world and facts, principles, theories and laws in the areas of biology, chemistry, physics and earth sciences. Technology is the application of science to enable societal development, including food and fiber production, manufacturing, building, transportation and communication. Science and technology share the use of the senses, science processes,



inquiry, investigation, analysis and problem solving strategies. **Beginning July 1, 2013, the Common Core State Standards for Literacy in History/Social Studies, Science and Technical Subjects will be an appendix to the Commonwealth's academic standards for Science and Technology.**

\* \* \* \* \*

(3) *Social studies.*

\* \* \* \* \*

(iv) *Economics.* Study of how individuals and societies choose to use resources to produce, distribute and consume goods and services. Knowledge of how economies work, economic reasoning and basic economic concepts, economic decision making, economic systems, the Commonwealth and the United States economy and international trade.

(v) *History/social studies, science and technical subjects.* **Beginning July 1, 2013, the Common Core State Standards for Literacy in History/Social Studies, Science and Technical Subjects will be an appendix to the Commonwealth's academic standards for History.**

\* \* \* \* \*

(8) *Through June 30, 2013: Reading, writing, speaking and listening.*

\* \* \* \* \*

(iv) *English Language Arts.* Beginning July 1, 2013, following full implementation of a transition plan to be developed by the Department in collaboration with education stakeholders, academic standards will be based on the **Pennsylvania Common Core [ State ] Standards for English Language Arts [ and Literacy in History/Social Studies, Science, and Technical Subjects ]**. [ States may supplement the Common Core State Standards with additional, State-specific academic standards. ]

(9) *Mathematics.* The understanding of fundamental ideas and the development of proficient mathematical skills in numbers, computation, measurement, statistics and data analysis, probability and predictions, algebra and functions, geometry, trigonometry and concepts of calculus. Using this content, students will learn to think, reason and communicate mathematically. Students will learn to model real-world situations by creating appropriate representations of numerical quantities and plan and implement problem-solving strategies to answer the question in the context of the situation. Beginning July 1, 2013, following implementation of a transition plan to be developed by the Department in collaboration with education stakeholders, academic standards will be based on the **Pennsylvania Common Core [ State ] Standards for Mathematics. [ States may supplement the Common Core State Standards with additional, State-specific academic standards. ]**

(b) In designing educational programs, school entities shall provide for the attainment of the academic standards under subsections (a) and (c) and any additional academic standards [ **that they describe in their strategic plans under § 4.13(c) (relating to strategic plans) as determined by the school entity.** Attaining the academic standards in this section requires students to demonstrate the acquisition and application of knowledge.

(c) School entities shall prepare students to attain academic standards in mathematics[ , **reading, writing, speaking and listening as contained** ] **and English Language Arts** in Appendix A and incorporated here by reference and additional standards as may be adopted by the Board and promulgated as amendments to this chapter.

\* \* \* \* \*

(f) School entities shall assess the attainment of academic standards developed under subsections (a) and (c) and any other academic standards that they develop [ **and describe in their strategic plans** ] under § 4.52(c) for purposes of high school graduation and strategies for assisting students to attain them. Plans for assessment developed by school entities must take into account that academic standards in subsections (a) and (c) may be attained by students in various ways and shall be assessed in various ways. Children with disabilities may attain the academic standards by completion of their individualized education programs under the Individuals with Disabilities Education Act and this part.

\* \* \* \* \*

(h) School entities are responsible under subsections (a), (c) and (g)[ , **and § 4.13(c)(5)** ] for assessing individual student attainment of academic standards and for assisting those students having difficulty attaining them. Upon request by a school entity, the Department will provide the requestor with technical assistance in the development of academic standards and assessments that are sufficient to assure that students are making progress toward the attainment of standards required for high school graduation under subsection (f) [ **and those identified in the strategic plan under § 4.13(c)(3)** ].

\* \* \* \* \*

#### § 4.13. Strategic plans.

[ (a) Every school district (including a charter school) shall develop and file with the Department a strategic plan once every 6 years and review that plan for revision at the mid-point according to an implementation schedule developed by the Department. The Department will notify each school district, by letter, of the due date for submission of the school district's plan to the Department at least 1 calendar year prior to its due date. A school district plan must incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates. In the development of a strategic plan, a school district (including a charter school) will, upon request, receive technical assistance from the Department.

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years and review that plan at the mid-point according to an implementation schedule developed by the Department. The Department will notify each AVTS, by letter, of the due date for submission of the AVT's plan to the Department at least 1 calendar year prior to its due date. The strategic plan must incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts. In the development of the strategic plan, an AVTS will, upon request, receive technical assistance from the Department.

(c) The strategic plan must be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school district's (including charter schools) or AVTS's ability to conduct a continuous strategic planning process. The plan must include the following components in addition to others the school district (including charter schools) or AVTS determines to include:

- (1) A mission statement.
- (2) A listing of the school district's (including charter schools) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.
- (3) A description of academic standards for student achievement which must be consistent with those under § 4.12 (relating to academic standards).
- (4) The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).
- (5) An assessment plan under § 4.52 (relating to local assessment system) to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.
- (6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals must demonstrate a connection to the academic standards under § 4.12 including, but not limited to, annual improvement goals for student scores on State and local assessments.
- (7) The professional development plan under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).
- (8) A description of the school district's (including charter schools) or AVTS's organization and organizational goals and their relationship to differing student needs within the school district's (including charter schools) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).
- (9) A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time.

(12) A description of how the school district will accomplish coordination with community operated infant and toddlers and preschool early intervention programs and the following before or after school programs and services for all grade levels, including prekindergarten, if offered, through grade 12:

- (i) Child care.
- (ii) After school programs.
- (iii) Youth workforce development programs.
- (iv) Tutoring.

(13) A school district that offers prekindergarten shall describe the prekindergarten program and explain how the district will coordinate with agencies that serve preschool age children with disabilities. The plan must address coordination activities designed to identify and serve children with disabilities and the supports and accommodations available to ensure both physical and programmatic access. The plan must address prekindergarten programs operated directly by the school district and those operated by community agencies under contract from the school district.

(14) A brief description of how the school district will provide for a smooth transition for prekindergarten students, when prekindergarten is offered, from the home setting and any early childhood care or education setting the students attend, to the school setting. This description must include how the district will coordinate with the infants and toddlers and preschool early intervention agencies that serve children with disabilities to ensure a smooth transition for those children to the school district's prekindergarten program.

(d) Strategic plans, the 6-year plan, mid-term review report, annual updates and other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers, school administrators, other school personnel and business and community representatives. Teacher representatives shall be chosen by teachers and administrative representatives shall be chosen by the administrative personnel; and school director representatives shall be chosen by the board of the school district or AVTS.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school district's or AVTS's offices, on the school district's or AVTS's web site and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school superintendent of record or chief executive officer and is approved by the school district's or AVTS's board of directors or charter school's board of trustees. If the board of

directors or trustees alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it to reach the greatest possible consensus prior to its submission and include any minority report which is developed.

(f) A locally approved strategic plan shall remain in effect until it is superseded by a locally approved revision or a new strategic plan developed under this section. ]

(a) Upon expiration of its current strategic planning phase, each school entity shall submit to the Secretary for approval a professional education plan every 3 years as required under § 49.17(a) (relating to continuing professional education).

(b) Upon expiration of its current strategic planning phase, each school entity shall submit to the Department for approval an induction plan every 6 years as required under § 49.16(a) (relating to approval of induction plans).

(c) Upon expiration of its current strategic planning phase, each school entity shall submit to the Department a written plan for the implementation of a comprehensive and integrated K-12 program of student services based on the needs of its students every 6 years as provided in § 12.41(a) (relating to student services).

(d) Upon expiration of its current strategic planning phase, each school district shall develop and implement a special education plan every 3 years as required under § 14.104 (relating to special education plans).

(e) Upon expiration of its current strategic planning phase, each school district shall develop and implement a gifted education plan every 6 years as required under § 16.4 (relating to strategic plans).

#### CURRICULUM AND INSTRUCTION

##### § 4.20. Prekindergarten education.

School districts are not required to offer a prekindergarten program, and parents are not required to enroll their children in those programs if offered. Prekindergarten programs shall be designed so that students complete the program prior to their reaching the school district's entry age for kindergarten. The program, when offered, must provide a comprehensive program appropriate for the age and varying developmental levels of the students; be based on how young children develop and learn; include instruction to support each child's development in the areas of approaches to learning—creative expression, language and literacy, math, logic and science, social-personal development and physical development and health—and must be open to children with disabilities.

\* \* \* \* \*

(10) A school district planning to offer or contract with a community agency to offer a prekindergarten program shall develop an implementation plan that describes the program and its target population. The plan must identify the facilities, staffing needs and other resources that it will use to deliver the program. The school district shall consult with parents, community agencies and organizations, and child care, early intervention and head start representatives when developing the implementation plan. In years subsequent to the initial year of the program, the implementation plan must [ become part

of the strategic plan described in § 4.13 (relating to strategic plans) and included in the mid-term review and annual updates described in § 4.13 ] be submitted to the Department every 3 years or when the plan is amended, whichever is sooner.

\* \* \* \* \*

##### § 4.21. Elementary education: primary and intermediate levels.

\* \* \* \* \*

(i) School districts, including charter schools, shall determine the most appropriate way to operate their primary and intermediate level elementary programs to achieve the purposes under subsections (b) and (d) and the mission, goals and academic standards [ in their strategic plans under § 4.13 (relating to strategic plans) ] as determined by the school entity.

\* \* \* \* \*

##### § 4.22. Middle level education.

(a) The middle level planned instruction aligned with academic standards serves children who are approximately 11—14 years of age. School entities may modify the grouping of students based upon student needs identified [ in their strategic plans under § 4.13 (relating to strategic plans) ] by the school entity.

\* \* \* \* \*

(e) School entities shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and the additional academic standards [ in their strategic plans under § 4.13 ] as determined by the school entity.

##### § 4.23. High school education.

\* \* \* \* \*

(g) School districts, including a charter school, shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and [ the ] additional academic standards [ in their strategic plans under § 4.13 (relating to strategic plans) ] as determined by the school entity.

##### § 4.24. High school graduation requirements.

(a) *Requirements through the [2013-2014] 2015-2016 school year.* Each school district, AVTS and charter school, including a cyber charter school, shall specify requirements for graduation [ in the strategic plan under § 4.13 (relating to strategic plans) ]. Requirements through the [ 2013-2014 ] 2015-2016 school year must include course completion and grades, completion of a culminating project, results of local assessments aligned with the academic standards and a demonstration of proficiency in [ Reading, Writing ] English Language Arts and Mathematics on either the State assessments administered in grade 11 or 12 or local [ assessment ] assessments aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.



(b) **High school graduation requirements and any revisions to them shall be approved by the board of school directors.**

(c) *Requirements beginning in the [2014-2015] 2016-2017 school year.*

(1) *General.* Beginning in the [ 2014-2015 ] 2016-2017 school year, each school district [ and ], AVTS [ (including charter schools), shall specify ] and charter school, including a cyber charter school, shall adopt and implement requirements for high school graduation [ in the strategic plan under § 4.13 ] that, at minimum, include:

\* \* \* \* \*

(ii) [ Completion of a culminating project in one or more areas of concentrated study under the guidance and direction of the high school faculty. The purpose of the project, which may include research, writing, completion of a college application or some other appropriate form of demonstration, is to assure that the student is able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding. Projects may be undertaken by individual students or groups of students.

(iii) [ Demonstration of proficiency as determined by the school district [ or ], AVTS [ (including charter schools) ] or charter school, including a cyber charter school, in each of the State academic standards not assessed by a State assessment under § 4.51 (relating to State assessment system).

[ (iv) ] (iii) Demonstration of proficiency or above in each of the following State academic standards: [ Reading, Writing ] English Language Arts and Mathematics (Appendix A); Science and Technology and Environment and Ecology (Appendix B), as determined through any one or a combination of the following:

(A) [ Successful completion ] Completion of secondary level coursework in [ English Composition, Literature ] English Language Arts (Literature), Algebra I and Biology in which a student demonstrates proficiency on the associated Keystone Exam [ serves as the course final exam ]. [ A student's Keystone Exam score shall count as one-third of the final course grade. A school district or AVTS (including a charter school) may, at its discretion, elect to have the Keystone Exam count for more than one-third of the course grade. ] A school district [ or ], AVTS [ (including a charter school), at its discretion, ] or charter school, including a cyber charter school may allow [ students who score ] a student who scores at the advanced level on a particular Keystone Exam prior to taking the course to be granted course credit for the course without having to complete the course.

(B) Locally approved and administered[, independently validated] assessments, which shall be independently and objectively validated once every 6 years [ in conjunction with submission of the school district's strategic plan, as provided in § 4.13 ]. Local assessments may be designed to include a variety of assessment strategies listed in § 4.52(e) and may include the use of one or more Keystone Exams. Except for

replacement of individual test items that have a similar level of difficulty, a new validation is required for any material changes to the assessment. Validated local assessments must meet the following standards:

(I) Alignment with the following State academic standards: [ Reading, Writing ] English Language Arts (Literature [ and Composition ]); Mathematics (Algebra I), Science and Technology and Environment and Ecology (Biology).

\* \* \* \* \*

(IV) Subject to appropriations provided by law, the cost to validate local assessments shall be evenly divided between the school district [ or ], AVTS [ (including a charter school) ] or charter school, including a cyber charter school, and the Department. If the Department does not provide sufficient funding to meet its share, local assessments submitted for validation shall be deemed valid [ for the balance of the strategic plan period until either a new or mid-point update to the strategic plan ] until a new validation is due to the Department.

\* \* \* \* \*

(VI) School boards shall only approve assessments that have been determined to meet the requirements of this subsection by an approved entity performing the independent validation. If a school district [ or ], AVTS [ (including a charter school) ] or charter school, including a cyber charter school, uses a local assessment that has not been independently validated, the Secretary will direct the district to discontinue its use until the local assessment is approved through independent validation by an approved entity.

(C) [ Advanced placement or international baccalaureate exams that include ] Completion of an Advanced Placement exam or International Baccalaureate exam that includes academic content comparable to the appropriate Keystone Exam at a score established by the Secretary to be comparable to the proficient level on the appropriate Keystone Exam. [ Successful completion of an advanced placement course and test may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam. Successful completion of an international baccalaureate program and tests may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam or local assessment.

(c) *Requirements beginning in the 2016-2017 school year.* Effective with the 2016-2017 school year, History and Civics and Government (Appendix C) are added to the academic standards listed in subsection (b)(1)(iv) regarding requirements beginning in the 2014-2015 school year. Requirements listed in subsection (b)(1)(iv)(A) must include a determination of proficiency in both English Composition and Literature; two of three Mathematics (Algebra I, Geometry, Algebra II), one of two Sciences (Biology or Chemistry), and one of three Social Studies (American History, Civics and Government or World History).

(d) *Strategic plan.* Each school district, including a charter school, shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsections (a) and (b). ]

(d) *Requirements beginning in the 2018-2019 school year.* Effective with the 2018-2019 school year, the requirements in subsection (c)(1)(iii) must include a determination of proficiency in English Language Arts (Composition) (Appendix A).

(e) *Requirements beginning in the 2019-2020 school year.* Effective with the 2019-2020 school year, Civics and Government (Appendix C) is added to the academic standards in subsection (c)(1)(iii). The requirements in subsection (c)(1)(iii) must include a determination of proficiency in Civics and Government.

[ (e) ] (f) *Special education students.* Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet the requirements of this chapter.

[ (f) ] (g) *Demonstration of proficiency.* For purposes of this section, [ students ] a student shall be deemed proficient in the State-assessed standards whenever [ they demonstrate ] the student demonstrates proficiency through any of the options in subsection [ (b)(1)(iv) ] (c)(1)(iii), regardless of the student's grade level or age.

[ (g) ] (h) *Transcripts.* Beginning in the 2003-2004 school year, PSSA scores in each assessed discipline, and beginning in the [ 2014-2015 ] 2016-2017 school year, the performance level demonstrated on each Keystone Exam or validated local assessment [ scores ], shall be included on student transcripts and may be released only with the permission of the student and parent or guardian, or the student only if the student is 18 years of age or older.

[ (h) ] (i) *Release of scores.* This section does not allow for the release of individual student PSSA or Keystone Exam scores to the Department or other Commonwealth entities in accordance with § 4.51(c).

[ (i) ] (j) *Supplemental instruction.* Beginning in the 2011-2012 school year, a student who does not demonstrate proficiency [ in any of the ten courses ] on a Keystone Exam or a locally validated [ assessments ] assessment specified in [ subsections (b) and ] subsection (c), (d) or (e) shall be offered supplemental instructional support by the student's school [ entity ] district, AVTS or charter school, including a cyber charter school. The supplemental instructional support must assist the student to attain proficiency in the State academic standards.

[ (j) ] (k) *Waivers.* The Secretary may waive one or more provisions of this section on a case-by-case basis for good cause. Waivers will be based upon receipt of a written request from the chief school administrator. Waivers may be granted to accommodate [ students who experience ] a student who experiences extenuating

circumstances (including serious illness, death in immediate family, family emergency[ , ] or frequent transfers in schools[ , or transfer from an out-of-State school in 12th grade ]).

(l) *Out-of-State transfers.* A student who transfers from an out-of-State school having demonstrated proficiency on an assessment congruent with the academic standards assessed by each Keystone Exam may satisfy the requirements of subsections (c), (d) and (e) subject to guidelines developed by the Secretary. The guidelines will be submitted for approval or disapproval by the Board.

[ (k) ] (m) *Transition.* To effect successful transition between requirements outlined in subsections (a) and (b) regarding requirements through the [ 2013-2014 ] 2015-2016 school year and requirements beginning in the [ 2014-2015 ] 2016-2017 school year, [ students ] subsection (d) regarding requirements beginning in the 2018-2019 school year and subsection (e) regarding requirements beginning in the 2019-2020 school year, a student who will graduate in the [ 2014-2015 ] 2016-2017 school year or thereafter, who successfully [ complete ] completes courses with academic content assessed under subsection [ (b) or ] (c), (d) or (e), regarding [ requirements beginning in the 2014-2015 school year, and ] requirements beginning in the 2016-2017 school year, 2018-19 school year and 2019-2020 school year for which Keystone Exams or local validated assessments were not available at the time the course was completed, shall be deemed proficient for purposes of this section.

## VOCATIONAL-TECHNICAL EDUCATION

### § 4.31. Vocational-technical education.

(a) Vocational-technical education courses shall be developed in the planned instruction format and be accessible to all high school students attending those grades in which vocational-technical education courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical education programs and courses and that students with disabilities enrolled in the programs are entitled to services under Chapter 14 (relating to special education services and programs). Students who complete approved vocational-technical education programs shall have their occupational competency assessed by completion of the appropriate assessment under the Pennsylvania Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. A student with a disability shall be provided appropriate accommodations when provided for in the student's individualized education program. Students shall also demonstrate proficiency in meeting academic standards as required under [ § 4.24(a) ] § 4.24 (relating to high school graduation requirements), including § 4.12(f) (relating to academic standards) and [ § 4.24(e) ] § 4.24(f) for students with disabilities with an individualized education program.

\* \* \* \* \*

(d) Vocational-technical education courses must include content based upon occupational analysis, clearly stated performance objectives deemed critical to successful employment and assessment of student competencies based upon performance standards. [ In listing planned instruction in its strategic plan under § 4.13 (relating

to strategic plans), a school district or AVTS shall indicate which courses meet the requirements of this section. ]

\* \* \* \* \*

#### § 4.33. Advisory committees.

(a) A school district or AVTS administering or planning to administer vocational-technical education programs shall appoint a local advisory committee. Membership on the committee shall consist of business and industry representatives, public sector employers, agriculture, labor organizations, community organizations, postsecondary education institutions and the general public. The appointed advisory committee shall meet at least once each year and give advice to the board and the administration concerning the program of the school, including its general philosophy, academic and other standards, [ **strategic plans,** ] course offerings, support services, safety requirements and the skill needs of employers. An advisory committee may serve multiple institutions where employment areas overlap.

(b) An administrative committee, composed of chief school administrators representing participating school districts, shall be included in the organization of each AVTS. The committee shall [ **play an integral part in the development of the AVTS strategic plan under § 4.13 (relating to strategic plans) and** ] advise the AVTS board and the administration concerning the educational program and policies of the school.

\* \* \* \* \*

### ASSESSMENT

#### § 4.51. State assessment system.

(a) The State assessment system shall be designed to serve the following purposes:

\* \* \* \* \*

(3) [ **Provide results to school entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).** ]

(4) [ Provide information to State policymakers, including the General Assembly and the Board, on how effective schools are in promoting and demonstrating student proficiency of academic standards.

[ (5) ] (4) Provide information to the general public on school performance.

[ (6) ] (5) Provide results to school entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(b) All PSSA instruments administered in [ **Reading, Writing and Mathematics in grades 5, 8 and 11** ] **English Language Arts, Mathematics, and Science and Technology and Environment and Ecology** will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(1) Performance on PSSA [ **reading** ] **English Language Arts** assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages [ **and** ], by their written responses to in-depth comprehension questions about the passages **and by the quality of their written compositions on a variety of topics and modes of writing.**

\* \* \* \* \*

(3) [ **Performance on PSSA writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.** ]

(4) [ Performance on PSSA science assessments shall be demonstrated by students' responses to grade appropriate content and by the quality of their responses to questions that demonstrate knowledge of each category of the standards for science and technology and environment and ecology.

[ (5) ] (4) Levels of proficiency shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(c) The Department will develop or cause to be developed PSSA assessments based on [ **academic standards in Mathematics, Reading, Writing and Science** ] **Pennsylvania Common Core Standards in Mathematics and English Language Arts** under § 4.12 and contained in Appendix A **and academic standards in Science and Technology and Environment and Ecology** under § 4.12 and contained in Appendix B. In developing assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. To ensure that information regarding student performance is available to parents and teachers, State assessments developed under this section must include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department [ **or** ] **and** other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.

(d) The State assessments shall be administered annually and include assessments of the State academic standards in Mathematics and [ **Reading** ] **English Language Arts** at grades 3 [ **—8 and 11; in Writing at grades 5, 8 and 11;]** **through 8,** and in **Science and Technology and Environment and Ecology** at grades 4 [ **, 8 and 11** ] **and 8. Additional state assessments shall be administered annually in accordance with subsection (e).**

(e) [ **Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be provided one additional opportunity in grade 12 to demonstrate a proficient level on the PSSA assessments.** ]



(f) ] The Department will develop or cause to be developed Keystone Exams as follows:

\* \* \* \* \*

(2) Two assessments aligned with select [ **Reading, Writing, Speaking and Listening** ] **English Language Arts** standards, contained in Appendix A, that assess academic content traditionally included in high school literature and composition courses.

\* \* \* \* \*

(5) [ **If a** ] **Keystone [ Exam is offered as a graduation requirement, it ] Exams** shall be offered at least 3 times each year: once each in the fall, spring and summer. Keystone Exams shall be administered, reviewed and scored so that the scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation. A school district [ **or** ], **AVTS [ (including a charter school) ] or charter school, including a cyber charter school,** may request that the Department approve alternative test administration and scoring time frames. The Department will publish guidelines and procedures for approving alternative test administration and scoring time frames on its web site. The guidelines will provide for approval of all requests unless the approval is contrary to standards of test validity and scoring.

(6) [ **Students** ] **A student** shall be permitted to retake any Keystone Exam, or Keystone Exam module, in which the student did not score proficient or above at the next available testing date, **so long as the student has participated in a satisfactory manner in supplemental instruction as provided under § 4.24(j) (relating to high school graduation requirements) and paragraph (8).**

\* \* \* \* \*

(8) [ **Keystone Exams shall be scored on a 100-point scale. When used to determine proficiency to meet high school graduation requirements, a Keystone Exam shall count for one-third of the final course grade. A Keystone Exam may be counted for more than one-third of the final course grade at the sole election of the school district or AVTS (including a charter school). A student must score advanced, proficient or basic on a Keystone Exam to receive points from the exam toward a final course grade. ] A student taking Keystone Exams, or Keystone Exam modules, who did not score proficient on a Keystone Exam, or Keystone Exam module, shall be provided supplemental instruction by the student's school district, AVTS or charter school, including a cyber charter school, until the student can demonstrate proficiency in the subject area or the student begins a project-based assessment provided in subsection (m).**

\* \* \* \* \*

(10) The Department will provide guidance to school [ **entities** ] **districts, AVTSs and charter schools, including cyber charter schools,** as to the appropriate accommodations school entities shall provide to students with disabilities, students who are gifted and English language learners, when appropriate.

(11) [ **Keystone Exams in the following subjects will be developed by the Department and will be made available for voluntary use by school districts and AVTSs (including charter schools) in accordance with the following schedule:**

School Year 2010-11	Algebra I
	Literature
	Biology
Fall 2011	English Composition
	Algebra II
Fall 2012	Geometry
	United States History
Fall 2016	Chemistry
	Civics and Government
	World History ]

Beginning in the 2012-2013 school year, Keystone Exams in the following subjects will be developed by the Department and made available for use by school districts, AVTSs and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24(c)(1)(iii):

Algebra I  
Literature  
Biology

(12) Subject to funding appropriated by the General Assembly for development of the exams and related project-based assessments and validation of related local assessments, Keystone Exams in the following subjects will be developed by the Department and made available for use by school districts, AVTSs and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24 (c)(1)(iii) in accordance with the following schedule:

School Year 2015-2016 English Composition  
School Year 2016-2017 Civics and Government

(i) During the 2014-2015 school year, school districts, AVTSs and charter schools, including cyber charter schools, shall administer the Keystone Exam in English Composition for the purpose of gathering data to set performance level cut scores for the exam.

(ii) During the 2015-2016 school year, school districts, AVTSs and charter schools, including cyber charter schools, shall administer the Keystone Exam in Civics and Government for the purpose of gathering data to set performance level cut scores for the exam.

(13) Subject to funding appropriated by the General Assembly for development of the exams, Keystone Exams in the following subjects will be developed by the Department and made available for voluntary use by school districts, AVTSs and charter schools, including cyber charter schools, in accordance with the following schedule:

School Year 2016-2017 Geometry  
School Year 2017-2018 U.S. History  
School Year 2018-2019 Algebra II  
School Year 2019-2020 Chemistry  
School Year 2020-2021 World History

[ (12) ] (14) The Department will seek to have the Keystone [ **Exam system** ] **Exams** approved as the high school level single accountability system under the No Child Left Behind Act of 2001. Upon approval by the United States Department of Education, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level. The Biology Keystone Exam will be used as the high school level science assessment, which is not a factor in determining adequate yearly progress. If the Keystone [ **Exam system receives** ] **Exams receive** approval as the high school level accountability measure, school districts [ **and** ], AVTSs [ **(including charter schools)** ] **and charter schools, including cyber charter schools**, shall administer the Literature, Algebra I and Biology exams as end-of-course tests in the grade level in which students complete the relevant coursework.

[ (13) ] (15) The 11th grade PSSA exams in Reading, Writing, Math and Science shall be discontinued upon implementation of the Keystone Exams as the approved assessment system under section 1111(b)(2)(C) of the No Child Left Behind Act of 2001 (20 U.S.C.A. § 6311(b)(2)(C)).

[ (g) ] (f) The Board will authorize the expansion of the State assessment system through a revision of this chapter.

[ (h) ] (g) The Department will implement provisions for security of the State assessment system, including the following provisions:

\* \* \* \* \*

[ (i) ] (h) The Secretary has the authority to establish guidelines for the administration of the State assessment system.

[ (j) ] (i) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school entity information and pertinent data for the school entity and its students.

[ (k) ] (j) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

[ (l) ] (k) The Department will establish a State Assessment Validation Advisory Committee (Committee). The Committee shall advise the Department on its plans to conduct the validity study and review and provide feedback on its findings. The Department and the Committee will investigate the use of a certificate based on industry approved standards and performance on a NOCTI exam as an alternative pathway to graduation and will make a report and recommendation to the Board by January 10, 2011.

[ (m) ] (l) At least once every 5 years, the Department will contract with a qualified, independent research organization to perform a validity study of the Keystone Exams using generally accepted education research standards. These studies will determine, at a minimum, the degree to which the Keystone Exams and performance level cut scores are valid for the purposes for which they are used; aligned with State academic standards; aligned with performance levels of other states; internationally benchmarked; and predict college and career success. In addition, all Keystone Exams, performance level descriptors and cut scores will be subject to the best available forms of content, criterion and consequential validation.

[ (n) ] If a student is unable to meet the requirements in § 4.24(b)(1)(iv)(A) (relating to high school graduation requirements), the student may supplement a Keystone Exam score through satisfactory completion of a project-based assessment as provided in subsection (o). Points earned through satisfactory performance on one or more project modules related to the Keystone Exam module or modules on which the student scored below proficient shall be added to the student's highest Keystone Exam score. The total shall count as one-third of a student's final course grade, as provided in subsection (f)(8).

[ (o) ] (m) The Department will develop a project-based assessment system that is aligned with the modules for each [ **of the ten** ] Keystone [ **Exams** ] **Exam for students who are unable to demonstrate proficiency on a Keystone Exam or Keystone Exam module**.

(1) The project-based assessment system shall be administered by schools and scored by [ **regional** ] **Statewide** panels composed of teachers, principals and curriculum specialists assembled by the Department. The [ **regional** ] **Statewide** review panels shall score student projects according to scoring protocols and rubrics developed by the Department.

[ **Students** ] (2) A student in grade 12 who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module may qualify to participate in one or more project-based assessments if the student has met all of the following conditions:

[ (1) ] (i) Has taken the course.

[ (2) ] Was unsuccessful in achieving a score of proficient on the Keystone Exam after at least two attempts.

[ (3) ] (ii) Has met the attendance requirements of the school [ **district's attendance requirements for the course** ] **district, AVTS or charter school, including a cyber charter school**.

[ (4) ] (iii) Has participated in a satisfactory manner in supplemental instructional services [ **under § 4.24(i)** ] **provided by the school district, AVTS or charter school, including a cyber charter school, as provided under § 4.24(j) and subsection (e)(8)**.

(3) A student below grade 12 who has not demonstrated proficiency on a Keystone Exam or Key-

stone Exam module after at least two attempts on the exam may qualify to participate in one or more project-based assessments if the student has met the following conditions:

- (i) Has taken the course.
- (ii) Has met the attendance requirements of the school district, AVTS or charter school, including a cyber charter school.
- (iii) Has participated in a satisfactory manner in supplemental instructional services provided by the school district, AVTS or charter school, including a cyber charter school, as provided under § 4.24(j) and subsection (e)(8), for at least 2 school years or the equivalent amount of time for schools that operate on a block schedule.
- (4) Successful completion of a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which a student did not demonstrate proficiency shall satisfy the requirements in § 4.24.
- (n) The Secretary may waive the requirements in § 4.24 on a case-by-case basis for good cause for a student in grade 12 who was not successful in completing a project-based assessment as provided in subsection (m).
- (1) Emergency waivers will be based upon receipt of a written request from the chief school administrator. The Secretary will invite and consider justifications from the chief school administrator for granting an emergency waiver. At a minimum, the waiver request must certify that the student meets the following criteria:
  - (i) Has met the local requirements of the school district, AVTS or charter school, including a cyber charter school, for graduation, except for demonstration of proficiency in the requirements of § 4.24(c)(1)(iii)(A) for which the waiver is being requested.
  - (ii) Has not demonstrated proficiency on a Keystone Exam or Keystone Exam module.
  - (iii) Has participated in a satisfactory manner in supplemental instructional services provided by the school district, AVTS or charter school, including a cyber charter school, as provided under § 4.24(j) and subsection (e)(8).
  - (iv) Has not successfully completed a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which the student did not demonstrate proficiency.

(2) Emergency waiver requests will be reviewed by the Department so that waiver determinations for candidates for graduation are provided to school districts, AVTSs or charter schools, including cyber charter schools, at least 10 calendar days prior to graduation.

(3) If a chief school administrator requests emergency waivers for more than 10% of students in the graduating class of a school district, AVTS or charter school, including a cyber charter school, the chief school administrator shall submit an action

plan for approval by the Secretary. The action plan must identify improvements the school district, AVTS or charter school, including a cyber charter school, will implement to each course associated with the Keystone Exam content for which the waivers are requested.

(4) The Department shall annually report to the Board the number of emergency waivers issued to each school district, AVTS and charter school, including a cyber charter school.

#### § 4.52. Local assessment system.

(a) Each school entity shall design an assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under [ §§ ] § 4.12 [ and 4.13(c)(3) ] (relating to academic standards[ ; and strategic plans ]). The school entity shall provide assistance to students not attaining academic standards at the proficient level or better [ and the assistance to be provided shall be indicated in the strategic plan under § 4.13 ].

(2) Use assessment results to improve curriculum and instructional practices[ , ] and to guide instructional strategies [ and to develop future strategic plans under § 4.13 ].

(3) Provide information requested by the Department regarding the achievement of academic standards, but which does not include student names, identification numbers or individually identifiable information.

(4) Provide summary information, including results of assessments under this section, to the general public regarding the achievement of students, but which does not include student names, identification numbers or individually identifiable information.

(b) The local assessment system shall be approved by the board of school directors, at minimum, once every 6 years and implemented no later than 1 year after [ its strategic plan or revision is approved by the board of school directors under § 4.13 ] the approval date.

(c) [ The local assessment system shall be described in the school entity's strategic plan under § 4.13(c)(5). ]

(d) The local assessment system shall be described in the district's (including a charter school's) or AVTS's strategic plan under § 4.13(c)(5), including industry certifications earned by vocational-technical students, Pennsylvania skill certificates earned by vocational technical education students, and projects completed by vocational-technical education students which demonstrate their occupational competency.

(e) [ The local assessment system shall be designed to include a variety of assessment strategies which may include the following:

\* \* \* \* \*

(f) (d) Individual test information shall be maintained in a student's educational record in a manner consistent with section 438 of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g) and 34 CFR Part 99 (relating to family educational rights and privacy).



[ (g) ] (e) Children with disabilities shall be included in the local assessment system, with appropriate accommodations, when necessary. As appropriate, the school district, including a charter [ schools ] school, or AVTS shall develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the local assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

[ (h) ] (f) The Department will establish a Local Assessment Validation Advisory Committee. The Committee will develop the criteria for the local validation process and criteria for selection of approved validation entities as provided in [ § 4.24(b)(1)(iv)(B) ] § 4.24(c)(1)(iii)(B) (relating to high school graduation requirements). The Department, in consultation with the Committee, will establish a list of entities approved to perform independent validations of local assessments. The Committee will submit its recommendations for approval or disapproval to the Board. The Department will post the approved criteria, selection criteria and list of approved entities on its web site.

### SCHOOL PROFILES

#### § 4.61. School profiles.

\* \* \* \* \*

(b) [ In compiling school profiles under this chapter, the Department will provide school entities interpretive information to assist in using the profiles for strategic planning under § 4.13 (relating to strategic plans). ]

(c) [ The Secretary will prescribe procedures for reporting State assessment data to schools and communities. ]

[ (d) ] (c) The Secretary will make available to the public, and report to the public with the same frequency and in the same detail as for children who are nondisabled, all data as required under the Individuals with Disabilities Education Act.

### APPENDIX A. PENNSYLVANIA COMMON CORE STANDARDS FOR ENGLISH LANGUAGE ARTS AND MATHEMATICS

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- I. Pennsylvania Common Core Standards for English Language Arts  
Grades Pre K—5
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#### I. PENNSYLVANIA COMMON CORE STANDARDS FOR ENGLISH LANGUAGE ARTS GRADES PRE K—5

##### INTRODUCTION

These standards describe what students should know and be able to do with the English language, pre-kindergarten through grade 12. The standards provide the targets for instruction and student learning essential

for success in all academic areas, not just language arts classrooms. Although the **standards are not a curriculum** or a prescribed series of activities, school entities will use them to develop a local school curriculum that will meet local students' needs.

Five standard categories are designed to provide a Pre K—12 continuum to reflect the demands of a college and career ready graduate:

- Standard 1: Foundational Skills begin at Pre Kindergarten and focus on early childhood, with some standards reflected through Grade 5. These foundational skills are a necessary and important component of an effective, comprehensive reading program designed to develop proficient readers with the capacity to comprehend text—both literary and informational across disciplines.
- Standard 2: Reading Informational Text enables students to read, understand, and respond to informational text.
- Standard 3: Reading Literature enables students to read, understand, and respond to works of literature.
- Standard 4: Writing develops the skills of informational, argumentative, and narrative writing as well as the ability to engage in evidence-based analysis of text and research.
- Standard 5: Speaking and Listening focuses students on communication skills that enable critical listening and effective presentation of ideas.

With a focus on college and career readiness, the instructional shifts as reflected in Common Core are evident throughout the PA Common Core Standards:

- Balancing the reading of informational and literary texts so that students can access non-fiction and authentic texts as well as literature
- Focusing on close and careful reading of text so that students are learning from the text
- Building a staircase of complexity (i.e., each grade level requires a “step” of growth on the “staircase”) so that students graduate college or career ready
- Supporting writing from sources (i.e., using evidence from text to inform or make an argument) so that students use evidence and respond to the ideas, events, facts, and arguments presented in the texts they read.
- Stressing an academically focused vocabulary so that students can access more complex texts

The English Language Arts Standards also provide parents and community members with information about what students should know and be able to do as they progress through the educational program and at graduation. With a clearly defined target provided by the standards, parents, students, educators and community members become partners in learning. Each standard implies an end of year goal—with the understanding that exceeding the standard is an even more desirable end goal.

Note: The Aligned Eligible Content is displayed with the standard statement. On Standard Aligned System portal, it is a live link.

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**Foundational Skills (Pre K—5) ..... 1.1**

Students gain a working knowledge of concepts of print, alphabetic principle, and other basic conventions. These foundational skills are not an end in and of themselves; rather, they apply them as effective readers.

- Book Handling
- Print Concepts
- Phonological Awareness
- Phonics and Word Recognition
- Fluency

**Reading Informational Text ..... 1.2**

Students read, understand, and respond to informational text—with an emphasis on comprehension, vocabulary acquisition, and making connections among ideas and between texts with a focus on textual evidence.

- Key Ideas and Details
- Craft and Structure
- Integration of Knowledge and Ideas
- Vocabulary Acquisition and Use
- Range of Reading and Text Complexity

**Reading Literature ..... 1.3**

Students read and respond to works of literature—with emphasis on comprehension vocabulary acquisition, making connections among ideas and between texts with focus on textual evidence.

- Key Ideas and Details
- Craft and Structure
- Integration of Knowledge and Ideas
- Vocabulary Acquisition and Use
- Range of Reading and Text Complexity

**Writing..... 1.4**

Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.

- Informative/Explanatory Writing
- Opinion/Argumentative Writing
- Narrative Writing
- Response to Literature
- Production and Distribution of Writing
- Technology and Publication
- Conducting Research
- Credibility, Reliability, and Validity of Sources
- Range of Writing

**Speaking and Listening..... 1.5**

Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.

- Comprehension and Collaboration
- Presentation of Knowledge and Ideas
- Integration of Knowledge and Ideas
- Conventions of Standard English

1.1	Foundational Skills Students gain a working knowledge of concepts of print, alphabetic principle, and other basic conventions.						
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Book Handling	1.1.PK.A Practice appropriate book handling skills.	1.1.K.A Utilize book handling skills.	Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank
Print Concepts	1.1.PK.B Identify basic features of print. <ul style="list-style-type: none"> <li>Differentiate between numbers and letters and letters and words.</li> <li>Recognize and name some upper and lower case letters of the alphabet.</li> </ul>	1.1.K.B Demonstrate understanding of the organization and basic features of print. <ul style="list-style-type: none"> <li>Follow words left to right, top to bottom, and page by page.</li> <li>Recognize that spoken words are represented in written language by specific sequences of letters.</li> <li>Understand that words are separated by spaces in print.</li> <li>Recognize and name all upper and lower case letters of the alphabet.</li> </ul>	1.1.1.B Demonstrate understanding of the organization and basic features of print. <ul style="list-style-type: none"> <li>Recognize the distinguishing features of a sentence.</li> </ul>	Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank



1.1 Foundational Skills Students gain a working knowledge of concepts of print, alphabetic principle, and other basic conventions.						
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4
Phonological Awareness	<p>1.1.PK.C Demonstrate understanding of spoken words, syllables, and sounds (phonemes).</p> <ul style="list-style-type: none"> <li>• Recognize rhyming words and when two or more words begin with the same sound (alliteration).</li> <li>• Count syllables in spoken words.</li> <li>• Segment single-syllable spoken words.</li> <li>• Isolate and pronounce initial sounds.</li> </ul>	<p>1.1.K.C Demonstrate understanding of spoken words, syllables, and sounds (phonemes).</p> <ul style="list-style-type: none"> <li>• Recognize and produce rhyming words.</li> <li>• Count, pronounce, blend, and segment syllables in spoken words.</li> <li>• Blend and segment onsets and rimes of single-syllable spoken words.</li> <li>• Isolate and pronounce the initial, medial vowel, and final sound (phonemes) in the three-phoneme (CVC) words.</li> </ul>	<p>1.1.1.C Demonstrate understanding of spoken words, syllables, and sounds (phonemes).</p> <ul style="list-style-type: none"> <li>• Distinguish long from short vowel sounds in spoken single-syllable words.</li> <li>• Count, pronounce, blend, and segment syllables in spoken and written words.</li> <li>• Orally produce single-syllable words, including consonant blends and digraphs.</li> <li>• Isolate and pronounce initial, medial vowel, and final sounds (phonemes) in spoken single-syllable words.</li> <li>• Add or substitute individual sounds (phonemes) in one-syllable words to make new words.</li> </ul>		Intentionally Blank	Intentionally Blank
					Intentionally Blank	Intentionally Blank

1.1 Foundational Skills Students gain a working knowledge of concepts of print, alphabetic principle, and other basic conventions.		Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
1.1 Phonics and Word Recognition		<p>1.1.PK.D Develop beginning phonics and word skills.</p> <ul style="list-style-type: none"> <li>• Associates some letters with their names and sounds.</li> <li>• Identify familiar words and environmental print.</li> </ul>	<p>1.1.K.D Know and apply grade level phonics and word analysis skills in decoding words.</p> <ul style="list-style-type: none"> <li>• Demonstrate basic knowledge of one-to one letter-sound correspondence.</li> <li>• Associate the long and short sounds with common spellings for the five major vowels.</li> <li>• Read grade level high-frequency sight words with automaticity.</li> <li>• Distinguish between similarly spelled words by identifying the sounds of the letters that differ.</li> </ul>	<p>1.1.1.D Know and apply grade level phonics and word analysis skills in decoding words.</p> <ul style="list-style-type: none"> <li>• Identify common consonant digraphs, and final-e, and common vowel teams.</li> <li>• Decode one and two-syllable words with common patterns.</li> <li>• Read grade level words with inflectional endings.</li> <li>• Read grade-appropriate irregularly spelled words.</li> </ul>	<p>1.1.2.D Know and apply grade level phonics and word analysis skills in decoding words.</p> <ul style="list-style-type: none"> <li>• Distinguish long and short vowels when reading regularly spelled one-syllable words.</li> <li>• Decode two-syllable words with long vowels and words with common prefixes and suffixes.</li> <li>• Read grade level high-frequency sight words and words with inconsistent but common spelling-sound correspondences.</li> <li>• Read grade-appropriate irregularly spelled words.</li> </ul>	<p>1.1.3.D Know and apply grade level phonics and word analysis skills in decoding words.</p> <ul style="list-style-type: none"> <li>• Identify and know the meaning of the most common prefixes and derivational suffixes.</li> <li>• Decode words with common Latin suffixes.</li> <li>• Decode multisyllable words.</li> <li>• Read grade-appropriate irregularly spelled words.</li> </ul>	<p>1.1.4.D Know and apply grade level phonics and word analysis skills in decoding words.</p> <ul style="list-style-type: none"> <li>• Use combined knowledge of all letter-sound correspondences, syllabication patterns, and morphology to read accurately unfamiliar multisyllabic words.</li> </ul>	<p>1.1.5.D Know and apply grade level phonics and word analysis skills in decoding words.</p> <ul style="list-style-type: none"> <li>• Use combined knowledge of all letter-sound correspondences, syllabication patterns, and morphology to read accurately unfamiliar multisyllabic words.</li> </ul>

1.1 Foundational Skills Students gain a working knowledge of concepts of print, alphabetic principle, and other basic conventions.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Fluency	Intentionally Blank	1.1.K.E Read emergent-reader text with purpose and understanding.	1.1.1.E Read with accuracy and fluency to support comprehension: • Read on-level text with purpose and understanding. • Read on-level text orally with accuracy, appropriate rate, and expression on successive readings. • Use context to confirm or self-correct word recognition and understanding, rereading as necessary.	1.1.2.E Read with accuracy and fluency to support comprehension: • Read on-level text with purpose and understanding. • Read on-level text orally with accuracy, appropriate rate, and expression on successive readings. • Use context to confirm or self-correct word recognition and understanding, rereading as necessary.	1.1.3.E Read with accuracy and fluency to support comprehension: • Read on-level text with purpose and understanding. • Read on-level text orally with accuracy, appropriate rate, and expression on successive readings. • Use context to confirm or self-correct word recognition and understanding, rereading as necessary.	1.1.4.E Read with accuracy and fluency to support comprehension: • Read on-level text with purpose and understanding. • Read on-level text orally with accuracy, appropriate rate, and expression on successive readings. • Use context to confirm or self-correct word recognition and understanding, rereading as necessary.	1.1.5.E Read with accuracy and fluency to support comprehension: • Read on-level text with purpose and understanding. • Read on-level text orally with accuracy, appropriate rate, and expression on successive readings. • Use context to confirm or self-correct word recognition and understanding, rereading as necessary.
1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Key Ideas and Details Main Idea	1.2.PK.A With prompting and support, retell key details of text that support a provided main idea.	1.2.K.A With prompting and support, identify the main idea and retell key details of text.	1.2.1.A Identify the main idea and retell key details of text.	1.2.2.A Identify the main idea of a multi-paragraph text as well as the focus of specific paragraphs within the text.	1.2.3.A Determine the main idea of a text; recount the key details and explain how they support the main idea.	1.2.4.A Determine the main idea of a text and explain how it is supported by key details; summarize the text.	1.2.5.A Determine two or more main ideas in a text and explain how they are supported by key details; summarize the text.
					EO3.B-K.1.1.2	EO4.B-K.1.1.2	EO5.B-K.1.1.2



1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Key Ideas and Details Text Analysis	1.2.PK.B Answer questions about a text.	1.2.K.B With prompting and support, answer questions about key details in a text.	1.2.1.B Ask and answer questions about key details in a text.	1.2.2.B Ask and answer questions such as who, what, where, when, why, and how to demonstrate understanding of key details in a text.	1.2.3.B Ask and answer questions about the text and make inferences from text; refer to text to support responses. EO3.B-K.1.1.1	1.2.4.B Refer to details and examples in text to support what the text says explicitly and make inferences. EO4.B-K.1.1.1	1.2.5.B Cite textual evidence by quoting accurately from the text to explain what the text says explicitly and make inferences. EO5.B-K.1.1.1
Key Ideas and Details Text Analysis	1.2.PK.C With prompting and support, make connections between information in a text and personal experiences.	1.2.K.C With prompting and support, make a connection between two individual, events, ideas, or pieces of information in a text.	1.2.1.C Describe the connection between two individual, events, ideas, or pieces of information in a text.	1.2.2.C Describe the connection between a series of events, concepts, or steps in a procedure within a text.	1.2.3.C Explain how a series of events, concepts, or steps in a procedure is connected within a text, using language that pertains to time, sequence, and cause/effect. E.03.B-K.1.1.3	1.2.4.C Explain events, procedures, ideas, or concepts in a text, including what happened and why, based on specific information in the text. E.04.B-K.1.1.3	1.2.5.C Explain the relationships or interactions between two or more individuals, events, ideas, or concepts in a text based on specific information in the text. E.05.B-K.1.1.3
Craft and Structure Point of View	Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank	1.2.3.D Explain the point of view of the author. E.03.B-C.2.1.1	1.2.4.D Compare and contrast an event or topic told from two different points of view. E.04.B-C.2.1.1	1.2.5.D Analyze multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent. E.05.B-C.2.1.1

1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Craft and Structure Text and Structure	1.2.PK.E Identify the front cover, back cover and title page of a book.	1.2.K.E Identify parts of a book (title, author) and parts of a text (beginning, end, details).	1.2.1.E Use various text features and search tools to locate key facts or information in a text.	1.2.2.E Use various text features and search tools to locate key facts or information in a text efficiently.	1.2.3.E Use text features and search tools to locate and interpret information.	1.2.4.E Use text structure to interpret information (e.g., chronology, comparison, cause/effect, problem/ solution).	1.2.5.E Use text structure, in and among texts, to interpret information (e.g., chronology, comparison, cause/effect, problem/ solution).
	1.2.PK.F With prompting and support, answer questions about unfamiliar words read aloud from a text.	1.2.K.F With prompting and support, ask questions about unknown words in a text.	1.2.1.F Ask and answer questions to help determine or clarify the meaning of words and phrases in a text.	1.2.2.F Determine the meaning of words and phrases as they are used in grade level text including multiple-meaning words.	1.2.3.F Determine the meaning of words and phrases as they are used in grade level text, distinguishing literal from non-literal meaning as well as shades of meaning among related words.	1.2.4.F Determine the meaning of words and phrases as they are used in grade level text, including figurative language.	1.2.5.F Determine the meaning of words and phrases as they are used in grade level text, including interpretative of figurative language.
Craft and Structure Vocabulary					E.03.B-C.2.1.2	E.04.B-C.2.1.2	E.05.B-C.2.1.2
					E.03.B-V.4.1.1 E.03.B-V.4.1.2	E.04.B-V.4.1.1 E.04.B-V.4.1.2	E.05.B-V.4.1.1 E.05.B-V.4.1.2
Integration of Knowledge and Ideas Diverse Media	1.2.PK.G With prompting and support, answer questions to connect illustrations to the written word.	1.2.K.G Answers questions to describe the relationship between illustrations and the text in which they appear.	1.2.1.G Use the illustrations and details in a text to describe its key ideas.	1.2.2.G Explain how graphic representations contribute to and clarify a text.	1.2.3.G Use information gained from text features to demonstrate understanding of a text.	1.2.4.G Interpret various presentations of information within a text or digital source and explain how the information contributes to an understanding of text in which it appears.	1.2.5.G Draw on information from multiple print or digital sources, demonstrating the ability to locate an answer to a question quickly or to solve a problem efficiently.
					E03.B-C.3.1.3	E04.B-C.3.1.3	E05.B-C.3.1.3

1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Integration of Knowledge and Ideas Evaluating Argument	Intentionally Blank	1.2.K.H With prompting and support, identify the reasons an author gives to support points in a text.	1.2.1.H Identify the reasons an author gives to support points in a text.	1.2.2.H Describe how reasons support specific points the author makes in a text.	1.2.3.H Describe how an author connects sentences and paragraphs in a text to support particular points.	1.2.4.H Explain how an author uses reasons and evidence to support particular points in a text.	1.2.5.H Determine how an author supports particular points in a text through reasons and evidence.  EO5.B-C.3.1.1
Integration of Knowledge and Ideas Analysis Across Texts	1.2.PK.I With prompting and support, identify basic similarities and differences between two texts read aloud on the same topic.	1.2.K.I With prompting and support, identify basic similarities and differences between two texts (read or read aloud) on the same topic.	1.2.1.I Identify basic similarities in and differences between two texts on the same topic.	1.2.2.I Compare and contrast the most important points presented by two texts on the same topic.	1.2.3.I Compare and contrast the most important points and key details presented in two texts on the same topic.  EO3.B-C.3.1.2	1.2.4.I Integrate information from two texts on the same topic to demonstrate understanding of that topic.  EO4.B-C.3.1.2 EO4.B-C.3.1.3	1.2.5.I Integrate information from several texts on the same topic to demonstrate understanding of that topic.  EO5.B-C.3.1.2 EO5.B-C.3.1.3



1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Vocabulary Acquisition and Use	1.2.PK.J Use new vocabulary and phrases acquired in conversations and being read to.	1.2.K.J Use words and phrases acquired through conversations, reading, and being read to, and responding to texts.	1.2.1.J Use words and phrases acquired through conversations, reading, and being read to, and responding to texts, including words that signal connections and relationships between the words and phrases.	1.2.2.J Acquire and use grade-appropriate conversational, general academic, and domain-specific words and phrases.	1.2.3.J Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including those that signal spatial and temporal relationships.	1.2.4.J Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including precise actions, emotions, or states of being and that are basic to a particular topic.	1.2.5.J Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including those that signal contrast, addition, and other logical relationships.
			E03.B-V.4.1.1 E03.B-V.4.1.2	E04.B-V.4.1.1 E04.B-V.4.1.2	E05.B-V.4.1.1 E05.B-V.4.1.2		
Vocabulary Acquisition and Use	1.2.PK.K With prompting and support, clarify unknown words or phrases read aloud.	1.2.K.K Determine or clarify the meaning of unknown or multiple meaning words and phrases based upon grade level reading and content.	1.2.1.K Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade level reading and content.	1.2.2.K Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade level reading and content, choosing from a range of strategies and tools.	1.2.3.K Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade level reading and content; choosing flexibly from a range of strategies and tools.	1.2.4.K Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade level reading and content, choosing flexibly from a range of strategies and tools.	1.2.5.K Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade level reading and content, choosing flexibly from a range of strategies and tools.
			EO3.B-V.4.1.1	EO4.B-V.4.1.1	EO5.B-V.4.1.1		
Range of Reading	1.2.PK.L With prompting and support, actively engage in group reading activities with purpose and understanding.	1.2.K.L Actively engage in group reading activities with purpose and understanding.	1.2.1.L Read and comprehend literary non-fiction text on grade level, reading independently and proficiently.	1.2.2.L Read and comprehend literary non-fiction text on grade level, reading independently and proficiently.	1.2.3.L Read and comprehend literary non-fiction text on grade level, reading independently and proficiently.	1.2.4.L Read and comprehend literary non-fiction text on grade level, reading independently and proficiently.	1.2.5.L Read and comprehend literary non-fiction text on grade level, reading independently and proficiently.

1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Key Ideas and Details Text Analysis	1.3.PK.A Answer questions about a particular story (who, what, how, when, and where).	1.3.K.A Answer questions about key details in a text.	1.3.1.A Ask and answer questions about key details in a text.	1.3.2.A Ask and answer questions such as who, what, where, when, why, and how to demonstrate understanding of key details in a text.	1.3.3.A Ask and answer questions about the text and make inferences from text; refer to text to support responses.  EO3.A-K.1.1.1	1.3.4.A Cite relevant details from text to support what the text says explicitly and make inferences.  EO4.A-K.1.1.1	1.3.5.A Cite textual evidence by quoting accurately from the text to explain what the text says explicitly and make inferences.  EO5.A-K.1.1.1
	1.3.PK.B With prompting and support, answer questions to identify characters, settings, and major events in a story.	1.3.K.B With prompting and support, identify characters, settings, and major events in a story.	1.3.1.B Describe characters, settings, and major events in a story, using key details.	1.3.2.B Describe how characters in a story respond to major events and challenges.	1.3.3.B Describe characters in a story and explain how their actions contribute to the sequence of events.  EO3.A-K.1.1.3	1.3.4.B Describe in depth a character, a setting or event in a story or drama, drawing on specific details in the text.  EO4.A-K.1.1.3	1.3.5.B Compare and contrast two or more characters, settings or events in a story or drama, drawing on specific details in the text.  EO5.A-K.1.1.3
Key Ideas and Details Theme	1.3.PK.C With prompting and support, retell a familiar story in sequence with picture support.	1.3.K.C With prompting and support, retell familiar stories including key details.	1.3.1.C Retell stories, including key details, and demonstrate understanding of their central message or lesson.	1.3.2.C Recount stories and determine their central message, lesson, or moral.	1.3.3.C Determine the central message, lesson, or moral in literary text; explain how it is conveyed in text.	1.3.4.C Determine a theme of a text from details in the text; summarize the text.	1.3.5.C Determine a theme of a text from details in the text, including how characters in a story or drama respond to challenges or how the speaker in a poem reflects upon a topic; summarize the text.  EO5.A-K.1.1.2

1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Craft and Structure Point of View	1.3.PK.D With prompting and support, name the author and illustrator of a story.	1.3.K.D Name the author and illustrator of a story and define the role of each in telling the story.	1.3.1.D Identify who is telling the story at various points in a text.	1.3.2.D Acknowledge differences in the points of views of characters, including by speaking in a different voice for each character when reading dialogue aloud.	1.3.3.D Explain the point of view of the author.	1.3.4.D Compare and contrast an event or topic told from two different points of view.	1.3.5.D Analyze multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent.
					EO3.A-C.2.1.1	EO4.A-C.2.1.1	EO5.A-C.2.1.1
Craft and Structure Text and Structure	1.3.PK.E With prompting and support, recognize common types of text.	1.3.K.E Recognize common types of text.	1.3.1.E Explain major differences between books that tell stories and books that give information, drawing on a wide reading or range of text types.	1.3.2.E Describe the overall structure of a story, including describing how the beginning introduces the story and the ending concludes the action.	1.3.3.E Refer to parts of texts when writing or speaking about a text using such terms as chapter, scene and stanza and describe how each successive part builds upon earlier sections.	1.3.4.E Explain major differences between poems, drama and prose and refer to the structural elements of each when writing or speaking about a text.	1.3.5.E Explain how a series of chapters, scenes or stanzas fits together to provide the overall structure of a particular story, drama, or poem.
Craft and Structure Vocabulary	1.3.PK.F Answer questions about unfamiliar words read aloud from a story.	1.3.K.F Ask and answer questions about unknown words in a text.	1.3.1.F Identify words and phrases in stories or poems that suggest feelings or appeal to the senses.	1.3.2.F Describe how words and phrases supply rhythm and meaning in a story, poem, or song.	1.3.3.F Determine the meaning of words and phrases as they are used in grade level text, distinguishing literal from non-literal meaning as well as shades of meaning among related words.	1.3.4.F Determine the meaning of words and phrases as they are used in grade level text, including figurative language.	1.3.5.F Determine the meaning of words and phrases as they are used in grade level text, including interpretation of figurative language.
					E.03.A-V.4.1.1 E.03.A-V.4.1.2	E.04.A-V.4.1.1 E.04.A-V.4.1.2	E.05.A-V.4.1.1 E.05.A-V.4.1.2

1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Integration of Knowledge and Ideas Sources of Information	1.3.PK.G Describe pictures in books using details.	1.3.K.G Make connections between the illustrations and the text in a story (read or read aloud).	1.3.1.G Use illustrations and details in a story to describe characters, setting, or events.	1.3.2.G Use information from illustrations and words, in print or digital text, to demonstrate understanding of characters, setting, or plot.	1.3.3.G Explain how specific aspects of a text's illustrations contribute to what is conveyed by the words in a story (e.g., create mood, emphasize aspects of a character or setting).	1.3.4.G Make connections between the text of a story or drama and a visual or oral presentation of the text, identifying where each version reflects specific descriptions and directions in the text.	1.3.5.G Analyze how visual and multimedia elements contribute to the meaning, tone, or beauty of a text (e.g., graphic novel, multimedia presentation of fiction, folktale, myth, poem).
Integration of Knowledge and Ideas Text Analysis	1.3.PK.H Answer questions to compare and contrast the adventures and experiences of characters in familiar stories.	1.3.K.H Compare and contrast the adventures and experiences of characters in familiar stories.	1.3.1.H Compare and contrast the adventures and experiences of characters in stories.	1.3.2.H Compare and contrast two or more versions of the same story by different authors or from different culture.	1.3.3.H Compare and contrast the themes, settings, and plots of stories written by the same author about the same or similar characters.	1.3.4.H Compare and contrast similar themes, topics, and patterns of events in literature, including texts from different cultures.	1.3.5.H Compare and contrast texts in the same genre on their approaches to similar themes and topics as well as additional literary elements.
Vocabulary Acquisition and Use Strategies	1.3.PK.I With prompting and support, clarify unknown words or phrases read aloud.	1.3.K.I Determine or clarify the meaning of unknown or multiple meaning words and phrases based upon grade level reading and content.	1.3.1.I Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade level reading and content.	1.3.2.I Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade level reading and content, choosing from a range of strategies and tools.	1.3.3.I Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 3 reading and content, choosing flexibly from a range of strategies and tools.	1.3.4.I Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 4 reading and content, choosing flexibly from a range of strategies and tools.	1.3.5.I Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 5 reading and content, choosing flexibly from a range of strategies and tools.
					E03-A-C-3.1.1	E04-A-C-3.1.1	E05-A-C-3.1.1
					E03-A-V-4.1.1	E04-A-V-4.1.1	E05-A-V-4.1.1



1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Vocabulary Acquisition and Use	1.3.PK.J Use new vocabulary and phrases acquired in conversations and being read to.	1.3.K.J Use words and phrases acquired through conversations, reading, and being read to, and responding to texts.	1.3.1.J Use words and phrases acquired through conversations, reading, and being read to, and responding to texts, including words that signal connections and relationships between the words and phrases.	1.3.2.J Acquire and use grade-appropriate conversational, general academic, and domain-specific words and phrases.	1.3.3.J Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including those that signal spatial and temporal relationships.	1.3.4.J Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including those that signal precise actions, emotions, or states of being and that are basic to a particular topic.	1.3.5.J Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including those that signal contrast, addition, and other logical relationships.
					E03.A-V.4.1.1 E03.A-V.4.1.2	E04.A-V.4.1.1 E04.A-V.4.1.2	E05.A-V.4.1.1 E05.A-V.4.1.2
Range of Reading	1.3.PK.K With prompting and support, actively engage in group reading activities with purpose and understanding.	1.3.K.K Actively engage in group reading activities with purpose and understanding.	1.3.1.K Read and comprehend literature on grade level, reading independently and proficiently.	1.3.2.K Read and comprehend literature on grade level, reading independently and proficiently.	1.3.3.K Read and comprehend literary fiction on grade level, reading independently and proficiently.	1.3.4.K Read and comprehend literary fiction on grade level, reading independently and proficiently.	1.3.5.K Read and comprehend literary fiction on grade level, reading independently and proficiently.

1.4	Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.						
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Informative/Explanatory	1.4.PK.A Draw/dictate to compose informative/explanatory texts examining a topic.	1.4.K.A Use a combination of drawing, dictating, and writing to compose informative/explanatory texts.	1.4.1.A Write informative/explanatory texts to examine a topic and convey ideas and information.	1.4.2.A Write informative/explanatory texts to examine a topic and convey ideas and information clearly.	1.4.3.A Write informative/explanatory texts to examine a topic and convey ideas and information clearly.	1.4.4.A Write informative/explanatory texts to examine a topic and convey ideas and information clearly.	1.4.5.A Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Informative/Explanatory Focus	1.4.PK.B With prompting and support, draw/dictate about one specific topic.	1.4.K.B Use a combination of drawing, dictating, and writing to focus on one specific topic.	1.4.1.B Identify and write about one specific topic.	1.4.2.B Identify and introduce the topic.	1.4.3.B Identify and introduce the topic.  E03C.1.2.1 E03E.1.1.1	1.4.4.B Identify and introduce the topic clearly.  E04C.1.2.1 E04E.1.1.1	1.4.5.B Identify and introduce the topic clearly.  E05C.1.2.1 E05E.1.1.1
Informative/Explanatory Content	1.4.PK.C With prompting and support, generate ideas to convey information.	1.4.K.C With prompting and support, generate ideas and details to convey information that relates to the chosen topic.	1.4.1.C Develop the topic with two or more facts.	1.4.2.C Develop the topic with facts and/or definitions.	1.4.3.C Develop the topic with facts, definitions, details, and illustrations, as appropriate.	1.4.4.C Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic; include illustrations and multimedia when useful to aiding comprehension.	1.4.5.C Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic; include illustrations and multimedia when useful to aiding comprehension.  E05C.1.2.2 E05E.1.1.2

<b>1.4 Writing</b> Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.						
	<b>Grade Pre-K</b>	<b>Grade K</b>	<b>Grade 1</b>	<b>Grade 2</b>	<b>Grade 3</b>	<b>Grade 4</b>
<b>Informative/Explanatory Conventions</b>	1.4.PK.D With prompting and support, make logical connections between drawing and dictation.	1.4.K.D Make logical connections between drawing and dictation/writing.	1.4.1.D Group information and provide some sense of closure.	1.4.2.D Group information and provide a concluding statement or section.	1.4.3.D Create an organizational structure that includes information grouped and connected logically with a concluding statement or section.	1.4.4.D Group related information in paragraphs and sections, linking ideas within categories of information using words and phrases; provide a concluding statement or section; include formatting when useful to aiding comprehension.
					E03.C.1.2.3 E03.C.1.2.4 E03.E.1.1.3 E03.E.1.1.5	E04.C.1.2.3 E04.C.1.2.5 E04.E.1.1.3 E04.E.1.1.5
<b>Informative/Explanatory Conventions</b>	Intentionally Blank	1.4.K.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling. • Capitalize first word in sentence and pronoun I. • Recognize and use end punctuation. • Spell simple words phonetically.	1.4.1.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling. • Capitalize dates and names of people. • Use end punctuation; use commas in dates and words in series. • Spell words drawing on common spelling patterns, phonic awareness and conventions.	1.4.2.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling. • Capitalize proper nouns, and apostrophes appropriately. • Spell words drawing on common spelling patterns. • Consult reference material as needed.	1.4.3.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 03.D.1.1.1 E 03.D.1.1.2 E 03.D.1.1.3 E 03.D.1.1.4 E 03.D.1.1.5 E 03.D.1.1.6 E 03.D.1.1.7 E 03.D.1.1.8 E 03.D.1.1.9 E 03.D.1.2.1 E 03.D.1.2.2 E 03.D.1.2.3 E 03.D.1.2.4 E 03.D.1.2.5 E 03.D.1.2.6	1.4.4.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 04.D.1.1.1 E 04.D.1.1.2 E 04.D.1.1.3 E 04.D.1.1.4 E 04.D.1.1.5 E 04.D.1.1.6 E 04.D.1.1.7 E 04.D.1.1.8 E 04.D.1.2.1 E 04.D.1.2.2 E 04.D.1.2.3 E 04.D.1.2.4
					E05.C.1.2.3 E05.E.1.2.6 E05.E.1.1.3 E05.E.1.1.6	1.4.5.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 05.D.1.1.1 E 05.D.1.1.2 E 05.D.1.1.3 E 05.D.1.1.4 E 05.D.1.1.5 E 05.D.1.1.6 E 05.D.1.1.7 E 05.D.1.1.8 E 05.D.1.2.1 E 05.D.1.2.2 E 05.D.1.2.3 E 05.D.1.2.4 E 05.D.1.2.5

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.						
Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Intentionally Blank	1.4.K.F With prompting and support, illustrate using details and dictate/write using descriptive words.	1.4.1.F Choose words and phrases for effect.	1.4.2.F Choose words and phrases for effect.	1.4.3.F Choose words and phrases for effect.	1.4.4.F Use precise language and domain-specific vocabulary to inform about or explain the topic.	1.4.5.F Write with an awareness of style. • Use precise language and domain-specific vocabulary to inform about or explain the topic. • Use sentences of varying length.
Informative/Explanatory Style				E 03.D.2.1.1 E 03.E.1.1.4	E 04.C.1.2.4 E 04.D.2.1.1 E 04.E.1.1.4	E 05.C.1.2.4 E 05.C.1.2.5 E 05.D.2.1.2 E 05.E.1.1.4 E 05.E.1.1.5
Intentionally Blank	1.4.K.G Use a combination of drawing, and dictating, and writing to compose opinion pieces on familiar topics.	1.4.1.G Write opinion pieces on familiar topics.	1.4.2.G Write opinion pieces on familiar topics or texts.	1.4.3.G Write opinion pieces on familiar topics or texts.	1.4.4.G Write opinion pieces on topics or texts.	1.4.5.G Write opinion pieces on topics or texts.
Opinion/Arguments						
Intentionally Blank	1.4.K.H Form an opinion by choosing between two given topics.	1.4.1.H Form an opinion by choosing among given topics.	1.4.2.H Identify the topic and state an opinion.	1.4.3.H Introduce the topic and state an opinion on the topic.	1.4.4.H Introduce the topic and state an opinion on the topic.	1.4.5.H Introduce the topic and state an opinion on the topic.
Opinion/Arguments Focus				E 03.C.1.1.1 E 03.E.1.1.1	E 04.C.1.1.1 E 04.E.1.1.1	E 05.C.1.1.1 E 05.E.1.1.1



<b>1.4 Writing</b> <b>Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.</b>							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Opinion/Arguments Content	Intentionally Blank	1.4.K.I Support the opinion with reasons.	1.4.1.I Support the opinion with reasons related to the opinion.	1.4.2.I Support the opinion with reasons that include details connected to the opinion.	1.4.3.I Support an opinion with reasons.  E 03.C.1.1.2 E 03.E.1.1.2	1.4.4.I Provide reasons that are supported by facts and details.  E 04.C.1.1.2 E 04.E.1.1.2	1.4.5.I Provide reasons that are supported by facts and details; draw from credible sources.  E 05.C.1.1.2 E 05.E.1.1.2
Opinion/Arguments Organization	Intentionally Blank	1.4.K.J Make logical connections between drawing and writing.	1.4.1.J Create an organizational structure that includes reasons and provides some sense of closure.	1.4.2.J Create an organizational structure that includes reasons and includes a concluding statement.	1.4.3.J Create an organizational structure that includes reasons linked in a logical order with a concluding statement or section.  E 03.C.1.1.1 E 03.C.1.1.3 E 03.C.1.1.4 E 03.E.1.1.3 E 03.E.1.1.5	1.4.4.J Create an organizational structure that includes related ideas grouped to support the writer's purpose and linked in a logical order with a concluding statement or section related to the opinion.  E 04.C.1.1.1 E 04.C.1.1.3 E 04.C.1.1.4 E 04.E.1.1.3 E 04.E.1.1.5	1.4.5.J Create an organizational structure that includes related ideas grouped to support the writer's purpose; link opinion and reasons using words, phrases, and clauses; provide a concluding statement or section related to the opinion.  E 05.C.1.1.1 E 05.C.1.1.3 E 05.C.1.1.5 E 05.E.1.1.3 E 05.E.1.1.6

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Opinion/Arguments Style	Intentionally Blank	Intentionally Blank	1.4.1.K Use a variety of words and phrases.	1.4.2.K Use a variety of words and phrases to appeal to the audience.	1.4.3.K Use a variety of words and sentence types to appeal to the audience.	1.4.4.K Choose words and phrases to convey ideas precisely.	1.4.5.K Write with an awareness of style. <ul style="list-style-type: none"><li>• Use sentences of varying length.</li><li>• Expand, combine, and reduce sentences for meaning, reader/listener interest, and style.</li></ul> E 05.C.1.1.4 E 05.D.2.1.1 E 05.D.2.1.2 E 05.D.2.1.3 E 05.D.2.1.4 E 05.E.1.1.4 E 05.E.1.1.5
					E 03.D.2.1.1 E 03.E.1.1.4	E 04.D.2.1.1 E 04.D.2.1.2 E 04.D.2.1.3 E 04.E.1.1.4	
Opinion/Arguments Conventions of Language	Intentionally Blank	1.4.K.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.	1.4.1.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.	1.4.2.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.	1.4.3.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 03.D.1.1.1 E 03.D.1.1.2 E 03.D.1.1.3 E 03.D.1.1.4 E 03.D.1.1.5 E 03.D.1.1.6 E 03.D.1.1.7 E 03.D.1.1.8 E 03.D.1.1.9 E 03.D.1.2.1 E 03.D.1.2.2 E 03.D.1.2.3 E 03.D.1.2.4 E 03.D.1.2.5 E 03.D.1.2.6	1.4.4.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 04.D.1.1.1 E 04.D.1.1.2 E 04.D.1.1.3 E 04.D.1.1.4 E 04.D.1.1.5 E 04.D.1.1.6 E 04.D.1.1.7 E 04.D.1.1.8 E 04.D.1.2.1 E 04.D.1.2.2 E 04.D.1.2.3 E 04.D.1.2.4	1.4.5.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 05.D.1.1.1 E 05.D.1.1.2 E 05.D.1.1.3 E 05.D.1.1.4 E 05.D.1.1.5 E 05.D.1.1.6 E 05.D.1.1.7 E 05.D.1.1.8 E 05.D.1.2.1 E 05.D.1.2.2 E 05.D.1.2.3 E 05.D.1.2.4 E 05.D.1.2.5

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Narrative	1.4.PK.M Dictate narratives to describe real or imagined experiences or events.	1.4.K.M Use a combination of drawing, dictating, and writing to compose narratives that describe real or imagined experiences or events.	1.4.1.M Write narratives to develop real or imagined experiences or events.	1.4.2.M Write narratives to develop real or imagined experiences or events.	1.4.3.M Write narratives to develop real or imagined experiences or events.	1.4.4.M Write narratives to develop real or imagined experiences or events.	1.4.5.M Write narratives to develop real or imagined experiences or events.
Narrative Focus	1.4.PK.N Establish “who” and “what” the narrative will be about.	1.4.K.N Establish “who” and “what” the narrative will be about.	1.4.1.N Establish “who” and “what” the narrative will be about.	1.4.2.N Establish a situation and introduce a narrator and/or characters.	1.4.3.N Establish a situation and introduce a narrator and/or characters.	1.4.4.N Orient the reader by establishing a situation and introducing a narrator and/or characters.	1.4.5.N Orient the reader by establishing a situation and introducing a narrator and/or characters.
Narrative Content	1.4.PK.O With prompting and support describe experiences and events.	1.4.K.O Describe experiences and events.	1.4.1.O Include thoughts and feelings to describe experiences and events.	1.4.2.O Include thoughts and feeling to describe experience and events to show the response of characters to situations.	1.4.3.O Use dialogue and descriptions of actions, thoughts, and feelings to develop experiences and response of characters to situations.	1.4.4.O Use dialogue and descriptions to develop experiences and events or show the responses of characters to situations; use concrete words and phrases and sensory details to convey experiences and events precisely.	1.4.5.O Use narrative techniques such as dialogue, description, and pacing, to develop experiences and responses of events or show the characters to situations; use concrete words and phrases and sensory details to convey experiences and events precisely.
					E 03C.1.3.1	E 04C.1.3.1	E 05C.1.3.1
					E 03C.1.3.2	E 04C.1.3.2 E 04.C.1.3.4	E 05.C.1.3.2 E 05.C.1.3.4

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Narrative Style Organization	1.4.PK.P Recount a single event and tell about the events in the order in which they occurred.	1.4.K.P Recount a single event or several loosely linked events, tell about the events in the order in which they occurred, and provide a reaction to what happened.	1.4.1.P Recount two or more appropriately sequences events using temporal words to signal event order and provide some sense of closure.	1.4.2.P Organize a short sequence of events, using temporal words to signal event order; provide a sense of closure.	1.4.3.P Organize an event sequence that unfolds naturally, using temporal words and phrases to signal event order; provide a sense of closure.	1.4.4.P Organize an event sequence that unfolds naturally, using a variety of transitional words and phrases to manage the sequence of events; provide a conclusion that follows from the narrated experiences and events.	1.4.5.P Organize an event sequence that unfolds naturally, using a variety of transitional words and phrases to manage the sequence of events; provide a conclusion that follows from the narrated experiences and events.
					E 03.C.1.3.1 E 03.C.1.3.3 E 03.C.1.3.4  E 04.C.1.3.1 E 04.C.1.3.3 E 04.C.1.3.5		E 05.C.1.3.1 E 05.C.1.3.3 E 05.C.1.3.5
Narrative Style	Intentionally Blank	Intentionally Blank	1.4.1.Q Use a variety of words and phrases.	1.4.2.Q Choose words and phrases for effect	1.4.3.Q Choose words and phrases for effect.	1.4.4.Q Choose words and phrases to convey ideas precisely.	1.4.5.Q • Write with an awareness of styles. • Use sentences of varying length. • Expand, combine, and reduce sentences for meaning, reader/listener interest, and style.
					E 03.D.2.1.1	E 04.D.2.1.1 E 04.D.2.1.2 E 04.D.2.1.3	E 05.D.2.1.1 E 05.D.2.1.2 E 05.D.2.1.3 E 05.D.2.1.4



1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.						
Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Intentionally Blank	1.4.K.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling. <ul style="list-style-type: none"> <li>• Capitalize first word in sentence and pronoun I.</li> <li>• Recognize and use end punctuation.</li> <li>• Spell simple words phonetically.</li> </ul>	1.4.1.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling. <ul style="list-style-type: none"> <li>• Capitalize dates and names of people.</li> <li>• Use end punctuation; use commas in dates and words in series.</li> <li>• Spell words drawing on common spelling patterns, phonemic awareness and spelling conventions.</li> </ul>	1.4.2.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling. <ul style="list-style-type: none"> <li>• Capitalize proper nouns.</li> <li>• Use commas and apostrophes appropriately.</li> <li>• Spell words drawing on common spelling patterns.</li> <li>• Consult reference material as needed.</li> </ul>	1.4.3.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 03.D.1.1.1 E 03.D.1.1.2 E 03.D.1.1.3 E 03.D.1.1.4 E 03.D.1.1.5 E 03.D.1.1.6 E 03.D.1.1.7 E 03.D.1.1.8 E 03.D.1.1.9 E 03.D.1.2.1 E 03.D.1.2.2 E 03.D.1.2.3 E 03.D.1.2.4 E 03.D.1.2.5 E 03.D.1.2.6	1.4.4.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 04.D.1.1.1 E 04.D.1.1.2 E 04.D.1.1.3 E 04.D.1.1.4 E 04.D.1.1.5 E 04.D.1.1.6 E 04.D.1.1.7 E 04.D.1.1.8 E 04.D.1.1.8 E 04.D.1.2.1 E 04.D.1.2.2 E 04.D.1.2.3 E 04.D.1.2.4	1.4.5.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E 05.D.1.1.1 E 05.D.1.1.2 E 05.D.1.1.3 E 05.D.1.1.4 E 05.D.1.1.5 E 05.D.1.1.6 E 05.D.1.1.7 E 05.D.1.1.8 E 05.D.1.2.1 E 05.D.1.2.2 E 05.D.1.2.3 E 05.D.1.2.4 E 05.D.1.2.5
Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank	1.4.3.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and informational texts.  E 03.E.1.1.1 E 03.E.1.1.2 E 03.E.1.1.3 E 03.E.1.1.4 E 03.E.1.1.5	1.4.4.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and informational texts.	1.4.5.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and informational texts.  E 05.E.1.1.1 E 05.E.1.1.2 E 05.E.1.1.3 E 05.E.1.1.4 E 05.E.1.1.5 E 05.E.1.1.6
Response to Literature	Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank	1.4.4.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and informational texts.	1.4.5.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and informational texts.  E 05.E.1.1.1 E 05.E.1.1.2 E 05.E.1.1.3 E 05.E.1.1.4 E 05.E.1.1.5 E 05.E.1.1.6

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Production and Distribution of Writing Writing Process	1.4.PK.T With guidance and support from adults and peers, respond to questions and suggestions, add details as needed.	1.4.K.T With guidance and support from adults and peers, respond to questions and suggestions from peers, and add details to strengthen writing as needed.	1.4.1.T With guidance and support from adults and peers, focus on a topic, respond to questions and suggestions from peers, and add details to strengthen writing as needed.	1.4.2.T With guidance and support from adults and peers, focus on a topic and strengthen writing as needed by revising and editing.	1.4.3.T With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.	1.4.4.T With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.	1.4.5.T With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.
Technology and Publication	Intentionally Blank	1.4.K.U With guidance and support, explore a variety of digital tools to produce and publish writing or in collaboration with peers.	1.4.1.U With guidance and support, use a variety of digital tools to produce and publish writing including in collaboration with peers.	1.4.2.U With guidance and support, use a variety of digital tools to produce and publish writing including in collaboration with peers.	1.4.3.U With guidance and support, use technology to produce and publish writing (using keyboarding skills) as well as to interact and collaborate with others.	1.4.4.U With some guidance and support, use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of one page in a single sitting.	1.4.5.U With some guidance and support, use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of two pages in a single sitting.
Conducting Research	1.4.PK.V Ask questions about topics of personal interest to gain information; with teacher guidance and support, locate information on the chosen topic.	1.4.K.V Participate in individual or shared research projects on a topic of interest.	1.4.1.V Participate in individual or shared research and writing projects.	1.4.2.V Participate in individual or shared research and writing projects.	1.4.3.V Conduct short research projects that build knowledge about a topic.	1.4.4.V Conduct short research projects that build knowledge through investigation of different aspects of a topic.	1.4.5.V Conduct short research projects that use several sources to build knowledge through investigation of different aspects of a topic.

1.4	Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.						
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Credibility, Reliability, Validity of Sources	1.4.PK.W With guidance and support, recall information from experiences or books.	1.4.K.W With guidance and support, recall information from experiences or gather information from provided sources to answer a question.	1.4.1.W With guidance and support, recall information from experiences or gather information from provided sources to answer a question.	1.4.2.W Recall information from experiences or gather information from provided sources to answer a question.	1.4.3.W Recall information from experiences or gather information from print and digital sources; take brief notes on sources and sort evidence into provided categories.	1.4.4.W Recall relevant information from experiences or gather relevant information from print and digital sources; take notes and categorize information, and provide a list of sources.	1.4.5.W Recall relevant information from experiences or gather relevant information from print and digital sources; summarize or paraphrase information in notes and finished work, and provide a list of sources.
Range of Writing	Intentionally Blank	1.4.K.X Write routinely over short time frames.	1.4.1.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.2.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.3.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.4.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.5.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.

1.5 Speaking and Listening Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Comprehension and Collaboration	1.5.PK.A Participate in collaborative conversations with peers and adults in small and larger groups.	1.5.K.A Participate in collaborative conversations with peers and adults in small and larger groups.	1.5.1.A Participate in collaborative conversations with peers and adults in small and larger groups.	1.5.2.A Participate in collaborative conversations with peers and adults in small and larger groups.	1.5.3.A Engage effectively in a range of collaborative discussions on grade level topics and texts, building on others' ideas and expressing their own clearly.	1.5.4.A Engage effectively in a range of collaborative discussions on grade level topics and texts, building on others' ideas and expressing their own clearly.	1.5.5.A Engage effectively in a range of collaborative discussions on grade level topics and texts, building on others' ideas and expressing their own clearly.
Comprehension—Integrate and Evaluate Information	1.5.PK.B Answer questions about key details in a text read aloud or information presented orally or through other media.	1.5.K.B Ask and answer questions about key details in a text read aloud or information presented orally or through other media.	1.5.1.B Confirm understanding of a text read aloud or information presented orally or through other media by asking questions and answering key details and requesting clarification if something is not understood.	1.5.2.B Recount or describe key ideas or details from a text read aloud or information presented orally or through other media.	1.5.3.B Determine the main ideas and supporting details of a text read aloud or information presented in diverse media formats, including visually, quantitatively, and orally.	1.5.4.B Paraphrase portions of a text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.	1.5.5.B Summarize the main points written text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.
Comprehension and Collaboration	1.5.PK.C Respond to what a speaker says in order to follow directions, seek help, or gather information.	1.5.K.C Ask and answer questions in order to seek help, get information, or clarify something that is not understood.	1.5.1.C Ask and answer questions about what a speaker says in order to gather additional information or clarify something that is not understood.	1.5.2.C Ask and answer questions about what a speaker says in order to clarify comprehension, gather additional information, or deepen understanding of a topic or issue.	1.5.3.C Ask and answer questions about information from a speaker, offering appropriate detail.	1.5.4.C Identify the reasons and evidence a speaker provides to support particular points.	1.5.5.C Summarize the points a speaker makes and explain how each claim is supported by reasons and evidence.



<b>1.5 Speaking and Listening</b> Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.							
	<b>Grade Pre-K</b>	<b>Grade K</b>	<b>Grade 1</b>	<b>Grade 2</b>	<b>Grade 3</b>	<b>Grade 4</b>	<b>Grade 5</b>
Presentation of Knowledge and Ideas	1.5.PK.D Using simple sentences, share stories, familiar experiences, and interests speaking clearly enough to be understood by most audiences.	1.5.K.D Share stories, familiar experiences, and interests speaking clearly enough to be understood by all audiences using appropriate volume.	1.5.1.D Describe people, places, things, and events with relevant details, expressing ideas and feelings clearly.	1.5.2.D Tell a story or recount an experience with appropriate facts and relevant, descriptive details, speaking audibly in coherent sentences.	1.5.3.D Report on a topic or text, tell a story, or recount an experience with appropriate facts and relevant, descriptive details, speaking clearly with adequate volume, appropriate pacing, and clear pronunciation.	1.5.4.D Report on a topic or text, tell a story, or recount an experience in an organized manner, using appropriate facts and relevant, descriptive details to support main ideas or themes; speaking clearly with adequate volume, appropriate pacing, and clear pronunciation.	1.5.5.D Report on a topic or present an opinion, sequencing ideas logically and using appropriate facts and relevant, descriptive details to support main ideas or themes; speaking clearly with adequate volume, appropriate pacing, and clear pronunciation.
Integration of Knowledge, Multimedia and Ideas	Intentionally Blank	Intentionally Blank	1.5.1.E Add drawings or other visual displays when sharing aloud to clarify ideas, thoughts, and feelings.	1.5.2.E Add drawings or other visual displays to presentations when appropriate to clarify ideas, thoughts, and feelings.	1.5.3.E Create engaging audio recordings of stories or poems that demonstrate fluid reading at an understandable pace; add visual displays when appropriate to emphasize or enhance certain facts or details.	1.5.4.E Add audio recordings and visual displays to presentations when appropriate to enhance the development of main ideas or themes.	1.5.5.E Include multimedia components and visual displays in presentations when appropriate to enhance the development of main ideas or themes.

1.5 Speaking and Listening Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.							
	Grade Pre-K	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Integration of Knowledge, Context and Ideas	1.5.PK.F Using simple sentences, express thoughts, feelings, and ideas, speaking clearly enough to be understood by most audiences.	1.5.K.F Speak audibly and express thoughts, feelings, and ideas clearly.	1.5.1.F Produce complete sentences when appropriate to task and situation.	1.5.2.F Produce complete sentences when appropriate to task and situation in order to provide requested detail or clarification.	1.5.3.F Speak in complete sentences when appropriate to task and situation in order to provide requested detail or clarification.	1.5.4.F Differentiate between contexts that require formal English versus informal situations.	1.5.5.F Adapt speech to a variety of contexts and tasks, using formal English when appropriate to task and situation.
	1.5.PK.G Demonstrate command of the conventions of standard English when speaking based on pre-kindergarten level and content.	1.5.K.G Demonstrate command of the conventions of standard English when speaking based on kindergarten level and content.	1.5.1.G Demonstrate command of the conventions of standard English when speaking based on grade 1 level and content.	1.5.2.G Demonstrate command of the conventions of standard English when speaking based on grade 2 level and content.	1.5.3.G Demonstrate command of the conventions of standard English when speaking based on grade 3 level and content.	1.5.4.G Demonstrate command of the conventions of standard English when speaking based on grade 4 level and content.	1.5.5.G Demonstrate command of the conventions of standard English when speaking based on grade 5 level and content.

## II. PENNSYLVANIA COMMON CORE STANDARDS FOR ENGLISH LANGUAGE ARTS GRADES 6—12

### INTRODUCTION

These standards describe what students should know and be able to do with the English language, pre-kindergarten through grade 12. The standards provide the targets for instruction and student learning essential for success in all academic areas, not just language arts classrooms. Although the **standards are not a curriculum** or a prescribed series of activities, school entities will use them to develop a local school curriculum that will meet local students' needs.

Five standard categories are designed to provide a Pre K—12 continuum to reflect the demands of a college and career ready graduate:

- Standard 1: Foundational Skills begin at Pre Kindergarten and focus on early childhood, with some standards reflected through Grade 5. These foundational skills are a necessary and important component of an effective, comprehensive reading program designed to develop proficient readers with the capacity to comprehend text—both literary and informational across disciplines.
- Standard 2: Reading Informational Text enables students to read, understand, and respond to informational text.
- Standard 3: Reading Literature enables students to read, understand, and respond to works of literature.
- Standard 4: Writing develops the skills of informational, argumentative, and narrative writing as well as the ability to engage in evidence-based analysis of text and research.
- Standard 5: Speaking and Listening focuses students on communication skills that enable critical listening and effective presentation of ideas.

With a focus on college and career readiness, the instructional shifts as reflected in Common Core are evident throughout the PA Common Core Standards:

- Balancing the reading of informational and literary texts so that students can access non-fiction and authentic texts as well as literature
- Focusing on close and careful reading of text so that students are learning from the text
- Building a staircase of complexity (i.e., each grade level requires a “step” of growth on the “staircase”) so that students graduate college or career ready
- Supporting writing from sources (i.e., using evidence from text to inform or make an argument) so that students use evidence and respond to the ideas, events, facts, and arguments presented in the texts they read.
- Stressing an academically focused vocabulary so that students can access more complex texts

The English Language Arts Standards also provide parents and community members with information about what students should know and be able to do as they progress through the educational program and at graduation. With a clearly defined target provided by the standards, parents, students, educators and community members become partners in learning. Each standard

implies an end of year goal-with the understanding that exceeding the standard is an even more desirable end goal.

Note: The Aligned Eligible Content is displayed with the standard statement. On Standard Aligned System portal, it is a live link.

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#### ***Foundational Skills (Pre K—5) . . . . . 1.1***

Students gain a working knowledge of concepts of print, the alphabetic principle, and other basic conventions. These foundational skills are not an end in and of themselves; rather, they apply them as effective readers.

- Book Handling
- Print Concepts
- Phonological Awareness
- Phonics and Word Recognition
- Fluency

#### ***Reading Informational Text . . . . . 1.2***

Students read, understand, and respond to informational text—with an emphasis on comprehension, vocabulary acquisition, and making connections among ideas and between texts with a focus on textual evidence.

- Key Ideas and Details
- Craft and Structure
- Integration of Knowledge and Ideas
- Vocabulary Acquisition and Use
- Range of Reading and Text Complexity

#### ***Reading Literature . . . . . 1.3***

Students read and respond to works of literature—with emphasis on comprehension vocabulary acquisition, making connections among ideas and between texts with focus on textual evidence.

- Key Ideas and Details
- Craft and Structure
- Integration of Knowledge and Ideas
- Vocabulary Acquisition and Use
- Range of Reading and Text Complexity

#### ***Writing . . . . . 1.4***

Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.

- Informative/Explanatory Writing
- Opinion/Argumentative Writing
- Narrative Writing
- Response to Literature
- Production and Distribution of Writing
- Technology and Publication
- Conducting Research
- Credibility, Reliability, and Validity of Sources
- Range of Writing

*Speaking and Listening*..... 1.5

Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.

- Comprehension and Collaboration
- Presentation of Knowledge and Ideas
- Integration of Knowledge and Ideas
- Conventions of Standard English



<b>1.2 Reading Informational Text</b> <b>Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.</b>				
	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>	<b>Grade 9-10</b>
<b>Key Ideas and Details</b> <b>Main Idea</b>	1.2.6.A Determine two or more main or central ideas of a text and how they are conveyed through particular details; provide a summary of the text distinct from personal opinions or judgments.	1.2.7.A Determine two or more central ideas in a text and analyze their development over the course of the text; provide an objective summary of the text.	1.2.8.A Determine a central idea of a text and analyze its development over the course of the text, including its relationship to supporting ideas; provide an objective summary of the text.	1.2.9-10.A Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.
	EO6.B-K.1.1.2	EO7.B-K.1.1.2	EO8.B-K.1.1.2	1.2.11-12.A Determine and analyze the relationship between two or more central ideas of a text, including the development and interaction of the central ideas; provide an objective summary of the text.
<b>Key Ideas and Details</b> <b>Text Analysis</b>	1.2.6.B Cite textual evidence to support analysis of what the text says explicitly as well as inferences and/or generalizations drawn from the text.	1.2.7.B Cite several pieces of textual evidence to support analysis of what the text says explicitly as well as inferences, conclusions, and/or generalizations drawn from the text.	1.2.8.B Cite the textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences, conclusions, and/or generalizations drawn from the text.	1.2.11-12.B Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences and conclusions based on and related to an author's implicit and explicit assumptions and beliefs.
	EO6.B-K.1.1.1	EO7.B-K.1.1.1	EO8.B-K.1.1.1	1.2.11-12.C Analyze the interaction and development of a complex set of ideas, sequence of events, or specific individuals over the course of the text.
<b>Key Ideas and Details</b> <b>Text Analysis</b> <b>Development/Connections</b>	1.2.6.C Analyze in detail how a key individual, event, or idea is introduced, illustrated, and elaborated in a text.	1.2.7.C Analyze the interactions between individuals, events, and ideas in a text.	1.2.8.C Analyze how a text makes connections among and distinctions between individuals, ideas, or events.	1.2.9-10.C Apply appropriate strategies to analyze, interpret, and evaluate how an author unfolds an analysis or series of ideas or events, including the order in which the points are made, how they are introduced and developed, and the connections that are drawn between them.
	EO6.B-K.1.1.3	EO7.B-K.1.1.3	EO8.B-K.1.1.3	1.2.11-12.D Evaluate how an author's point of view or purpose shapes the content and style of a text.
<b>Craft and Structure</b> <b>Point of View</b>	1.2.6.D Determine an author's point of view or purpose in a text and explain how it is conveyed in the text.	1.2.7.D Determine an author's point of view or purpose in a text and analyze how the author distinguishes his or her position from that of others.	1.2.8.D Determine an author's point of view or purpose in a text and analyze how the author acknowledges and responds to conflicting evidence or viewpoints.	1.2.9-10.D Determine an author's particular point of view and analyze how rhetoric advances the point of view.
	EO6.B-C.2.1.1	EO7.B-C.2.1.1	EO8.B-C.2.1.1	

1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.					
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Craft and Structure Text and Structure	1.2.6.E Analyze the author's structure through the use of paragraphs, chapters, or sections.  E.06.B-C.2.1.2	1.2.7.E Analyze the structure of the text through evaluation of the author's use of graphics, charts, and the major sections of the text.  E.07.B-C.2.1.2	1.2.8.E Analyze the structure of the text through evaluation of the author's use of specific sentences and paragraphs to develop and refine a concept.  E.08.B-C.2.1.2	1.2.9-10.E Analyze in detail how an author's ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text.	1.2.11-12.E Analyze and evaluate the effectiveness of the structure an author uses in his or her exposition or argument, including whether the structure makes points clear, convincing, and engaging.
Craft and Structure Vocabulary	1.2.6.F Determine the meaning of words and phrases as they are used in grade level reading and content, including interpretation of figurative language in context.  E.06.B-V.4.1.1 E.06.B-V.4.1.2	1.2.7.F Determine the meaning of words and phrases as they are used in grade level reading and content, including interpretation of figurative, connotative, and technical meanings.  E.07.B-V.4.1.1 E.07.B-V.4.1.2 E.07.B-C.2.1.3	1.2.8.F Analyze the influence of the words and phrases in a text including figurative and connotative, and technical meanings; and how they shape meaning and tone.  E.08.B-V.4.1.1 E.08.B-V.4.1.2 E.08.B-C.2.1.3	1.2.9-10.F Analyze how words and phrases shape meaning and tone in texts.	1.2.11-12.F Evaluate how words and phrases shape meaning and tone in texts.
Integration of Evaluation Evidence, Diverse Media	1.2.6.G Integrate information presented in different media or formats (e.g. visually, quantitatively) as well as in words to develop a coherent understanding of a topic or issue.	1.2.7.G Compare and contrast a text to an audio, video, or multimedia version of the text, analyzing each medium's portrayal of the subject (e.g. how the delivery of a speech affects the impact of the words).	1.2.8.G Evaluate the advantages and disadvantages of using different mediums (e.g. print or digital text, video, multimedia) to present a particular topic or idea.	1.2.9-10.G Analyze various accounts of a subject told in different mediums (e.g., a person's life story in both print and multimedia), determining which details are emphasized in each account.	1.2.11-12.G Integrate and evaluate multiple sources of information presented in different media or formats (e.g. visually, quantitatively) as well as in words in order to address a question or solve a problem.

<b>1.2 Reading Informational Text</b> <b>Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.</b>					
	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>	<b>Grade 9-10</b>	<b>Grade 11-12</b>
Integration of Knowledge and Ideas Analysis Across Texts	<b>1.2.6.H</b> Evaluate an author's argument by examining claims and determining if they are supported by evidence.  E06.B-C.3.1.1	<b>1.2.7.H</b> Evaluate an author's argument, reasoning, and specific claims for the soundness of the argument and the relevance of the evidence.  E07.B-C.3.1.1	<b>1.2.8.H</b> Evaluate authors' arguments, reasoning, and specific claims for the soundness of the arguments and the relevance of the evidence.  E08.B-C.3.1.1	<b>1.2.9-10.H</b> Delineate and evaluate the argument and specific claims in a text, assessing the validity of reasoning and relevance of evidence.	<b>1.2.11-12.H</b> Analyze seminal texts based upon reasoning, premises, purposes, and arguments.
Integration of Knowledge and Ideas Analysis Across Texts	<b>1.2.6.I</b> Examine how two authors present similar information in different types of text.  E06.B-C.3.1.2	<b>1.2.7.I</b> Analyze how two or more authors present and interpret facts on the same topic.  E07.B-C.3.1.2	<b>1.2.8.I</b> Analyze two or more texts that provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation.  E08.B-C.3.1.2	<b>1.2.9-10.I</b> Analyze seminal U.S. documents of historical and literary significance, including how they address related themes and concepts.	<b>1.2.11-12.I</b> Analyze foundational U.S. and world documents of historical, political, and literary significance for their themes, purposes, and rhetorical features.
Vocabulary Acquisition and Use	<b>1.2.6.J</b> Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.  E06.B-V.4.1.1 E06.B-V.4.1.2	<b>1.2.7.J</b> Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.  E07.B-V.4.1.1 E07.B-V.4.1.2	<b>1.2.8.J</b> Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.  E08.B-V.4.1.1 E08.B-V.4.1.2	<b>1.2.9-10.J</b> Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.	<b>1.2.11-12.J</b> Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.

1.2 Reading Informational Text Students read, understand, and respond to informational text—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.				
	Grade 6	Grade 7	Grade 8	Grade 9-10
Vocabulary Acquisition and Use	1.2.6.K Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade level reading and content, choosing flexibly from a range of strategies and tools.  EO6.B-V.4.1.1	1.2.7.K Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade level reading and content, choosing flexibly from a range of strategies and tools.  EO7.B-V.4.1.1	1.2.8.K Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade level reading and content, choosing flexibly from a range of strategies and tools.  EO8.B-V.4.1.1	1.2.9-10.K Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade level reading and content, choosing flexibly from a range of strategies and tools.
	1.2.6.L Read and comprehend literary non-fiction and informational text on grade level, reading independently and proficiently.	1.2.7.L Read and comprehend literary non-fiction and informational text on grade level, reading independently and proficiently.	1.2.8.L Read and comprehend literary non-fiction and informational text on grade level, reading independently and proficiently.	1.2.11-12.L Read and comprehend literary non-fiction and informational text on grade level, reading independently and proficiently.
1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.				
	Grade 6	Grade 7	Grade 8	Grade 9-10
Key Ideas and Details Text Analysis	1.3.6.A Cite textual evidence to support analysis of what the text says explicitly as well as inferences and/or generalizations drawn from the text.  EO6.A-K.1.1.1	1.3.7.A Cite several pieces of textual evidence to support analysis of what the text says explicitly as well as inferences, conclusions, and/or generalizations drawn from the text.  EO7.A-K.1.1.1	1.3.8.A Cite the textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences, conclusions, and/or generalizations drawn from the text.  EO8.A-K.1.1.1	1.3.9-10.A Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences and conclusions based on an author's explicit assumptions and beliefs about a subject.
				1.3.11-12.A Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences and conclusions based on and related to an author's implicit and explicit assumptions and beliefs.



1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.					
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Key Ideas and Details Literary Elements	1.3.6.B Describe how a particular story or drama's plot unfolds in a series of episodes, as well as how the characters respond or change as the plot moves toward a resolution.  EO6.A-K.1.1.3	1.3.7.B Analyze how particular elements of a story or drama interact and how setting shapes the characters or plot.  EO7.A-K.1.1.3	1.3.8.B Analyze how particular lines of dialogue or incidents in a story or drama propel the action, reveal aspects of a character, or provoke a decision.  EO8.A-K.1.1.3	1.3.9-10.B Analyze how complex characters develop over the course of a text, interact with other characters, and advance the plot or develop the theme.	1.3.11-12.B Analyze the impact of the author's choices regarding how to develop and relate elements of a story or drama.
Key Ideas and Details Theme	1.3.6.C Determine a theme or central idea of a text and how it is conveyed through particular details; provide a summary of the text distinct from personal opinions or judgments.  EO6.A-K.1.1.2	1.3.7.C Determine a theme or central idea of a text and analyze its development over the course of the text; provide an objective summary of the text.  EO7.A-K.1.1.2	1.3.8.C Determine a theme or central idea of a text and analyze its development over the course of the text, including its relationship to the characters, setting, and plot; provide an objective summary of the text.  EO8.A-K.1.1.2	1.3.9-10.C Determine a theme or central idea of a text and analyze in detail its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.	1.3.11-12.C Determine and analyze the relationship between two or more themes or central ideas of a text, including the development and interaction of the themes; provide an objective summary of the text.
Craft and Structure Point of View	1.3.6.D Determine an author's point of view or purpose in a text and explain how it is conveyed in the text.  EO6.A-C.2.1.1	1.3.7.D Determine an author's point of view or purpose in a text and analyze how the author distinguishes his or her position from that of others.  EO7.A-C.2.1.1	1.3.8.D Determine an author's point of view or purpose in a text and analyze how the author acknowledges and responds to conflicting evidence or viewpoints.  EO8.A-C.2.1.1	1.3.9-10.D Determine an author's particular point of view and analyze how rhetoric advances the point of view.	1.3.11-12.D Evaluate how an author's point of view or purpose shapes the content and style of a text.
Craft and Structure Text and Structure	1.3.6.E Analyze the development of the meaning through the overall structure of the text.  EO6.A-C.2.1.2	1.3.7.E Analyze the development of the meaning through the overall structure of the text.  EO7.A-C.2.1.2	1.3.8.E Analyze the development of the meaning through the overall structure of multiple texts.  EO8.A-C.2.1.2	1.3.9-10.E Analyze how an author's choices concerning how to structure a text, order events within it and manipulate time create an effect.	1.3.11-12.E Evaluate the structure of texts including how specific sentences, paragraphs and larger portions of the texts relate to each other and the whole.

1.3 Reading Literature Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.					
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Craft and Structure Vocabulary	1.3.6.F Determine the meaning of words and phrases as they are used in grade level reading and content, including interpretation of figurative language in context.  E.06.A-V.4.1.1 E.06.A-V.4.1.2	1.3.7.F Determine the meaning of words and phrases as they are used in grade level reading and content, including interpretation of figurative, connotative meanings.  E.07.A-V.4.1.1 E.07.A-V.4.1.2 E.07.A-C.2.1.3	1.3.8.F Analyze the influence of the words and phrases in a text including figurative and connotative meanings; and how they shape meaning and tone.  E.08.A-V.4.1.1 E.08.A-V.4.1.2 E.08.A-C.2.1.3	1.3.9-10.F Analyze how words and phrases shape meaning and tone in texts.	1.3.11-12.F Evaluate how words and phrases shape meaning and tone in texts.
Sources of Knowledge and Ideas	1.3.6.G Compare and contrast the experiences of reading a story, drama, or poem to listening to or viewing an audio, video, or live version of the text, including contrasting what is “seen” and “heard” when reading the text to what is perceived when listening or watching.	1.3.7.G Compare and contrast a written story, drama, or poem to its audio, filmed, staged, or multimedia version, analyzing the effects of techniques unique to each medium (e.g. lighting, sound, color, or camera focus and angles in a film).	1.3.8.G Analyze the extent to which a filmed or live production of a story or drama stays faithful to or departs from the text or script, evaluating the choices made by directors or actors.	1.3.9-10.G Analyze the representation of a subject or a key scene in two different artistic mediums, including what is emphasized or absent in each treatment.	1.3.11-12.G Analyze multiple interpretations of a story, drama, or poem (e.g., recorded or live production of a play or recorded novel or poetry), evaluating how each version interprets the source text. (Include at least one play by Shakespeare and one play by an American dramatist.)
Integration of Knowledge and Ideas	1.3.6.H Compare and contrast texts in different forms or genres in terms of their approaches to similar themes and topics as well as their use of additional literary elements.  E06.A-C.3.1.1	1.3.7.H Compare and contrast a fictional portrayal of a time, place, or character and a historical account of the same period as a means of understanding how authors of fiction use or alter history.  E07.A-C.3.1.1	1.3.8.H Analyze how a modern work of fiction draws on themes, patterns of events, or character types from traditional works, including describing how the material is rendered new.  E08.A-C.3.1.1	1.3.9-10.H Analyze how an author draws on and transforms themes, topics, character types, and/or other text elements from source material in a specific work.	1.3.11-12.H Demonstrate knowledge of foundational works of literature that reflect a variety of genres in the respective major periods of literature, including how two or more texts from the same period treat similar themes or topics.

<b>1.3 Reading Literature</b> <b>Students read and respond to works of literature—with emphasis on comprehension, making connections among ideas and between texts with focus on textual evidence.</b>					
	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>	<b>Grade 9-10</b>	<b>Grade 11-12</b>
Vocabulary Acquisition and Use	<b>1.3.6.I</b> Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 6 reading and content, choosing flexibly from a range of strategies and tools.  E06.A-V.4.1.1	<b>1.3.7.I</b> Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 7 reading and content, choosing flexibly from a range of strategies and tools.  E07.A-V.4.1.1	<b>1.3.8.I</b> Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 8 reading and content, choosing flexibly from a range of strategies and tools.  E08.A-V.4.1.1	<b>1.3.9-10.I</b> Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 9-10 reading and content, choosing flexibly from a range of strategies and tools.	<b>1.3.11-12.I</b> Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 11-12 reading and content, choosing flexibly from a range of strategies and tools.
Vocabulary Acquisition and Use	<b>1.3.6.J</b> Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.  E06.A-V.4.1.1 E06.A-V.4.1.2	<b>1.3.7.J</b> Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.  E07.A-V.4.1.1 E07.A-V.4.1.2	<b>1.3.8.J</b> Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.  E08.A-V.4.1.1 E08.A-V.4.1.2	<b>1.3.9-10.J</b> Demonstrate understanding across content areas within grade 9-10 level texts of figurative language, word relationships and the shades of meaning among related words.	<b>1.3.11-12.J</b> Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.
Range of Reading	<b>1.3.6.K</b> Read and comprehend literary fiction on grade level, reading independently and proficiently.	<b>1.3.7.K</b> Read and comprehend literary fiction on grade level, reading independently and proficiently.	<b>1.3.8.K</b> Read and comprehend literary fiction on grade level, reading independently and proficiently.	<b>1.3.9-10.K</b> Read and comprehend literary fiction on grade level, reading independently and proficiently.	<b>1.3.11-12.K</b> Read and comprehend literary fiction on grade level, reading independently and proficiently.

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.					
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Informative/Explanatory	1.4.6.A Write informative/ explanatory texts to examine a topic and convey ideas, concepts, and information clearly.	1.4.7.A Write informative/ explanatory texts to examine a topic and convey ideas, concepts, and information clearly.	1.4.8.A Write informative/ explanatory texts to examine a topic and convey ideas, concepts, and information clearly.	1.4.9-10.A Write informative/ explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately.	1.4.11-12.A Write informative/ explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately.
Informative/Explanatory Focus	1.4.6.B Identify and introduce the topic for the intended audience.  E06C.1.2.1 E06E.1.1.1	1.4.7.B Identify and introduce the topic clearly, including a preview of what is to follow.  E07C.1.2.1 E07E.1.1.1	1.4.8.B Identify and introduce the topic clearly, including a preview of what is to follow.  E08C.1.2.1 E08E.1.1.1	1.4.9-10.B Write with a sharp distinct focus identifying topic, task, and audience.	1.4.11-12.B Write with a sharp distinct focus identifying topic, task, and audience.
Informative/Explanatory Content	1.4.6.C Develop and analyze the topic with relevant facts, definitions, concrete details, quotations, or other information and examples; include graphics and multimedia when useful to aiding comprehension.  E06.C.1.2.2 E06.E.1.1.2	1.4.7.C Develop and analyze the topic with relevant facts, definitions, concrete details, quotations, or other information and examples; include graphics and multimedia when useful to aiding comprehension.  E07.C.1.2.2 E07.E.1.1.2	1.4.8.C Develop and analyze the topic with relevant, well-chosen facts, definitions, concrete details, quotations, or other information and examples; include graphics and multimedia when useful to aiding comprehension.  E08.C.1.2.2 E08.E.1.1.2	1.4.9-10.C Develop and analyze the topic with relevant, well-chosen, and sufficient facts, extended definitions, concrete details, or other quotations, or other information and examples appropriate to the audience's knowledge of the topic; include graphics and multimedia when useful to aiding comprehension.	1.4.11-12.C Develop and analyze the topic thoroughly by selecting the most significant and relevant facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic; include graphics and multimedia when useful to aiding comprehension.



1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.		Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Informative/Explanatory		<p>1.4.6.D Organize ideas, concepts, and information using strategies such as definition, classification, comparison/contrast, and cause/effect; use appropriate transitions to clarify the relationships among ideas and concepts; provide a concluding statement or section; include formatting when useful to aiding comprehension.</p> <p>E06.C.1.2.3 E06.C.1.2.6 E06.E.1.1.3 E06.E.1.1.6</p>	<p>1.4.7.D Organize ideas, concepts, and information using strategies such as definition, classification, comparison/contrast, and cause/effect; use appropriate transitions to create cohesion and clarify the relationships among ideas and concepts; provide a concluding statement or section; include formatting when useful to aiding comprehension.</p> <p>E07.C.1.2.3 E07.C.1.2.6 E07.E.1.1.3 E07.E.1.1.6</p>	<p>1.4.8.D Organize ideas, concepts, and information into broader categories; use appropriate and varied transitions to create cohesion and clarify the relationships among ideas and concepts; provide a concluding statement or section; include formatting when useful to aiding comprehension.</p> <p>E08.C.1.2.1 E08.C.1.2.6 E08.E.1.1.1 E08.E.1.1.6 E08.C.1.2.3 E08.E.1.1.3</p>	<p>1.4.9-10.D Organize ideas, concepts, and information to make important connections and distinctions; use appropriate and varied transitions to link the major sections of the text; include formatting when useful to aiding comprehension; provide a concluding statement or section.</p>	<p>1.4.11-12.D Organize complex ideas, concepts, and information so that each new element builds on that which precedes it to create whole; use appropriate and varied transitions and syntax to link the major sections of the text; provide a concluding statement or section that supports the information presented; include formatting when useful to aiding comprehension.</p>
Informative/Explanatory Conventions		<p>1.4.6.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p> <p>E06.D.1.1.1 E06.D.1.1.2 E06.D.1.1.3 E06.D.1.1.4 E06.D.1.1.5 E06.D.1.1.6 E06.D.1.1.7 E06.D.1.1.8 E06.D.1.2.1 E06.D.1.2.2 E06.D.1.2.3 E06.D.1.2.4 E06.D.1.2.5</p>	<p>1.4.7.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p> <p>E07.D.1.1.1 E07.D.1.1.2 E07.D.1.1.3 E07.D.1.1.4 E07.D.1.1.5 E07.D.1.1.6 E07.D.1.1.7 E07.D.1.1.8 E07.D.1.1.9 E07.D.1.1.10 E07.D.1.1.11 E07.D.1.1.12 E07.D.1.2.1 E07.D.1.2.2 E07.D.1.2.3 E07.D.1.2.4</p>	<p>1.4.8.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p> <p>E08.D.1.1.1 E08.D.1.1.2 E08.D.1.1.3 E08.D.1.1.4 E08.D.1.1.5 E08.D.1.1.6 E08.D.1.1.7 E08.D.1.1.8 E08.D.1.1.9 E08.D.1.1.10 E08.D.1.1.11 E08.D.1.2.1 E08.D.1.2.2 E08.D.1.2.3 E08.D.1.2.4 E08.D.1.2.5</p>	<p>1.4.9-10.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p>	<p>1.4.11-12.E Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p>

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Informative/Explanatory Style	<p>1.4.6.F Write with an awareness of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>Use precise language and domain-specific vocabulary to inform about or explain the topic.</li> <li>Use sentences of varying lengths and complexities</li> <li>Use precise language.</li> <li>Develop and maintain a consistent voice</li> <li>Establish and maintain a formal style.</li> </ul> <p>E06.C.1.2.4 E06.C.1.2.5 E06.D.2.1.2 E06.D.2.1.3 E06.E.1.1.4 E06.E.1.1.5</p>	<p>1.4.7.F Write with an awareness of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>Use precise language and domain-specific vocabulary to inform about or explain the topic.</li> <li>Use sentences of varying lengths and complexities</li> <li>Use precise language.</li> <li>Develop and maintain a consistent voice.</li> <li>Establish and maintain a formal style.</li> </ul> <p>E07.C.1.2.4 E07.C.1.2.5 E07.D.2.1.1 E07.D.2.1.2 E07.D.2.1.3 E07.D.2.1.4 E07.D.2.1.5 E07.E.1.1.4 E07.E.1.1.5</p>	<p>1.4.8.F Write with an awareness of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>Use precise language and domain-specific vocabulary to inform about or explain the topic.</li> <li>Use sentences of varying lengths and complexities</li> <li>Create tone and voice.</li> <li>though precise language.</li> <li>Establish and maintain a formal style.</li> </ul> <p>E08.C.1.2.4 E08.C.1.2.5 E08.D.2.1.2 E08.D.2.1.3 E08.D.2.1.4 E08.D.2.1.5 E08.D.2.1.6 E08.E.1.1.4 E08.E.1.1.5</p>	<p>1.4.9-10.F Write with an awareness of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>Use precise language and domain-specific vocabulary to manage the complexity of the topic.</li> <li>Establish and maintain a formal style and objective tone while attending to the norms of the discipline in which they are writing.</li> <li>Establish and maintain a formal style.</li> </ul>	<p>1.4.11-12.F Write with an awareness of the stylistic aspects of composition.</p> <ul style="list-style-type: none"> <li>Use precise language, domain-specific vocabulary, and techniques such as metaphor, simile, and analogy to manage the complexity of the topic.</li> <li>Establish and maintain a formal style and objective tone while attending to the norms of the discipline in which they are writing.</li> <li>Establish and maintain a formal style.</li> </ul>
Opinion/Argument	<p>1.4.6.G Write arguments to support claims.</p>	<p>1.4.7.G Write arguments to support claims.</p>	<p>1.4.8.G Write arguments to support claims.</p>	<p>1.4.9-10.G Write arguments to support claims in an analysis of substantive topics.</p>	<p>1.4.11-12.G Write arguments to support claims in an analysis of substantive topics.</p>
Opinion/Arguments Focus	<p>1.4.6.H Introduce and state an opinion on a topic.</p> <p>E06.C.1.1.1 E06.E.1.1.1</p>	<p>1.4.7.H Introduce and state an opinion on a topic.</p> <p>E07.C.1.1.1 E07.E.1.1.1</p>	<p>1.4.8.H Introduce and state an opinion on a topic.</p> <p>E08.C.1.1.1 E08.E.1.1.1</p>	<p>1.4.9-10.H Write with a sharp distinct focus identifying topic, task, and audience.</p> <ul style="list-style-type: none"> <li>Introduce the precise claim.</li> </ul>	<p>1.4.11-12.H Write with a sharp distinct focus identifying topic, task, and audience.</p> <ul style="list-style-type: none"> <li>Introduce the precise, knowledgeable claim.</li> </ul>

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.		Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Opinion/Argument Content		1.4.6.I Use clear reasons and relevant evidence to support claims, using credible sources and demonstrating an understanding of the topic.  E06.C.1.1.2 E06.E.1.1.2	1.4.7.I Acknowledge alternate or opposing claims and support claim with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic.  E07.C.1.1.2 E07.E.1.1.2	1.4.8.I Acknowledge and distinguish the claim(s) from alternate or opposing claims and support claim with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic.  E08.C.1.1.2 E08.E.1.1.2	1.4.9-10.I Distinguish the claim(s) from alternate or opposing claims; develop claim(s) fairly, supplying evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience's knowledge level and concerns.	1.4.11-12.I Distinguish the claim(s) from alternate or opposing claims; develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience's knowledge level, concerns, values, and possible biases.
Opinion/Argument Organization		1.4.6.J Organize the claim(s) with clear reasons and evidence clearly; clarify relationships among claim(s) and reasons by using words, phrases, and clauses; provide a concluding statement or section that follows from the argument presented.  E06.C.1.1.1 E06.C.1.1.3 E06.C.1.1.5 E06.E.1.1.3 E06.E.1.1.6	1.4.7.J Organize the claim(s) with clear reasons and evidence clearly; clarify relationships among claim(s) and reasons by using words, phrases, and clauses to create cohesion; provide a concluding statement or section that follows from and supports the argument presented.  E07.C.1.1.1 E07.C.1.1.3 E07.C.1.1.5 E07.E.1.1.3 E07.E.1.1.6	1.4.8.J Organize the claim(s) with clear reasons and evidence clearly; clarify relationships among claim(s), counterclaims, reasons, and evidence by using words, phrases, and clauses to create cohesion; provide a concluding statement or section that follows from and supports the argument presented.  E08.C.1.1.1 E08.C.1.1.3 E08.C.1.1.5 E08.E.1.1.3 E08.E.1.1.6	1.4.9-10.J Create organization that establishes clear relationships among claim(s), counterclaims, reasons, and evidence; Use words, phrases, and clauses to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims; provide a concluding statement or section that follows from and supports the argument presented.	1.4.11-12.J Create organization that logically sequences claim(s), counterclaims, reasons, and evidence; Use words, phrases, and clauses as well as varied syntax to link the major sections of the text create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims; provide a concluding statement or section that follows from and supports the argument presented.

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.						
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12	
Opinion/Argument Style	1.4.6.K Write with an awareness of the stylistic aspects of composition. <ul style="list-style-type: none"><li>• Use precise language and domain-specific vocabulary to inform about or explain the topic.</li><li>• Use sentences of varying lengths and complexities.</li><li>• Use precise language.</li><li>• Develop and maintain a consistent voice</li><li>• Establish and maintain a formal style.</li></ul> E06.C.1.1.4 E06.D.2.1.1 E06.D.2.1.2 E06.D.2.1.3 E06.D.2.1.4 E06.D.2.1.5 E05.E.1.1.4 E05.E.1.1.5	1.4.7.K Write with an awareness of the stylistic aspects of composition. <ul style="list-style-type: none"><li>• Use precise language and domain-specific vocabulary to inform about or explain the topic.</li><li>• Use sentences of varying lengths and complexities.</li><li>• Use precise language.</li><li>• Develop and maintain a consistent voice.</li><li>• Establish and maintain a formal style.</li></ul> E07.C.1.1.4 E07.D.2.1.1 E07.D.2.1.2 E07.D.2.1.3 E07.D.2.1.4 E07.D.2.1.5 E07.E.1.1.4 E07.E.1.1.5	1.4.8.K Write with an awareness of the stylistic aspects of composition. <ul style="list-style-type: none"><li>• Use precise language and domain-specific vocabulary to inform about or explain the topic.</li><li>• Use sentences of varying lengths and complexities</li><li>• Create tone and voice.</li><li>• though precise language.</li><li>• Establish and maintain a formal style.</li></ul> E08.C.1.1.4 E08.D.2.1.2 E08.D.2.1.3 E08.D.2.1.4 E08.D.2.1.5 E08.D.2.1.6 E08.E.1.1.5	1.4.9-10.K Write with an awareness of the stylistic aspects of composition. <ul style="list-style-type: none"><li>• Use precise language and domain-specific vocabulary to manage the complexity of the topic.</li><li>• Establish and maintain a formal style and objective tone while attending to the norms of the discipline in which they are writing.</li><li>• Establish and maintain a formal style.</li></ul>	1.4.11-12.K Write with an awareness of the stylistic aspects of composition. <ul style="list-style-type: none"><li>• Use precise language, domain-specific vocabulary, and techniques such as metaphor, simile, and analogy to manage the complexity of the topic.</li><li>• Establish and maintain a formal style and objective tone while attending to the norms of the discipline in which they are writing.</li><li>• Establish and maintain a formal style.</li></ul>	



1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.					
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Opinion/Argument Conventions of Language	1.4.6.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E06.D.1.1.1 E06.D.1.1.2 E06.D.1.1.3 E06.D.1.1.4 E06.D.1.1.5 E06.D.1.1.6 E06.D.1.1.7 E06.D.1.1.8 E06.D.1.1.9 E06.D.1.2.1 E06.D.1.2.2 E06.D.1.2.3	1.4.7.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E07.D.1.1.1 E07.D.1.1.2 E07.D.1.1.3 E07.D.1.1.4 E07.D.1.1.5 E07.D.1.1.6 E07.D.1.1.7 E07.D.1.1.8 E07.D.1.1.9 E07.D.1.2.1 E07.D.1.2.2 E07.D.1.2.3 E07.D.1.2.4	1.4.8.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.  E08.D.1.1.1 E08.D.1.1.2 E08.D.1.1.3 E08.D.1.1.4 E08.D.1.1.5 E08.D.1.1.6 E08.D.1.1.7 E08.D.1.1.8 E08.D.1.1.9 E08.D.1.1.10 E08.D.1.1.11 E08.D.1.2.1 E08.D.1.2.2 E08.D.1.2.3 E08.D.1.2.4 E08.D.1.2.5	1.4.9-10.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.	1.4.11-12.L Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.
Narrative	1.4.6.M Write narratives to develop real or imagined experiences or events.	1.4.7.M Write narratives to develop real or imagined experiences or events.	1.4.8.M Write narratives to develop real or imagined experiences or events.	1.4.9-10.M Write narratives to develop real or imagined experiences or events.	1.4.11-12.M Write narratives to develop real or imagined experiences or events.
Narrative Focus	1.4.6.N Engage and orient the reader by establishing a context and introducing a narrator and/or characters.  E06.C.1.3.1	1.4.7.N Engage and orient the reader by establishing a context and point of view and introducing a narrator and/or characters.	1.4.8.N Engage and orient the reader by establishing a context and point of view and introducing a narrator and/or characters.  E08.C.1.3.1	1.4.9-10.N Engage and orient the reader by setting out a problem, situation, or observation, establishing one or multiple points of view, and introducing a narrator and/or characters.	1.4.11-12.N Engage and orient the reader by setting out a problem, situation, or observation and its significance, establishing one or multiple points of view, and introducing a narrator and/or characters.

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.		Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Narrative Content		<p>1.4.6.O Use narrative techniques such as dialogue, description, and pacing, to develop experiences, events, and/or characters; use precise words and phrases, relevant descriptive details, and sensory language to convey experiences and events.</p> <p>E06.C.1.3.2 E06.C.1.3.4</p>	<p>1.4.7.O Use narrative techniques such as dialogue, description, and pacing, to develop experiences, events, and/or characters; use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.</p> <p>E07.C.1.3.2 E07.C.1.3.4</p>	<p>1.4.8.O Use narrative techniques such as dialogue, description, reflection, and pacing, to develop experiences, events, and/or characters; use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.</p> <p>E08.C.1.3.2 E08.C.1.3.4</p>	<p>1.4.9-10.O Use narrative techniques such as dialogue, description, reflection, multiple plot lines, and pacing, to develop experiences, events, and/or characters; use precise words and phrases, telling details, and sensory language to convey a vivid picture of the experiences, events, settings, and/or characters.</p>	<p>1.4.11-12.O Use narrative techniques such as dialogue, description, reflection, multiple plot lines, and pacing, to develop experiences, events, and/or characters; use precise words and phrases, telling details, and sensory language to convey a vivid picture of the experiences, events, settings, and/or characters.</p>
Narrative Organization		<p>1.4.6.P Organize an event sequence that unfolds naturally and logically, using a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one time frame or setting to another; provide a conclusion that follows from the narrated experiences and events.</p> <p>E06.C.1.3.1 E06.C.1.3.3 E06.C.1.3.5</p>	<p>1.4.7.P Organize an event sequence that unfolds naturally and logically, using a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one time frame or setting to another; provide a conclusion that follows from and reflects on the narrated experiences and events.</p> <p>E07.C.1.3.1 E07.C.1.3.3 E07.C.1.3.5</p>	<p>1.4.8.P Organize an event sequence that unfolds naturally and logically using a variety of transition words, phrases, and clauses to convey sequence, signal shifts from one time frame or setting to another and show the relationships among experiences and events; provide a conclusion that follows from and reflects on the narrated experiences or events.</p> <p>E08.C.1.3.1 E08.C.1.3.3 E08.C.1.3.5</p>	<p>1.4.9-10.P Create a smooth progression of experiences or events using a variety of techniques to sequence events so that they build on one another to create a coherent whole; provide a conclusion that follows from and reflects on what is experienced, observed, or resolved over the course of the narrative.</p>	<p>1.4.11-12.P Create a smooth progression of experiences or events using a variety of techniques to sequence events so that they build on one another to create a coherent whole and build toward a particular tone and outcome; provide a conclusion that follows from and reflects on what is experienced, observed, or resolved over the course of the narrative.</p>

1.4 Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Narrative Conventions of Language	<p>1.4.6.Q Write with an awareness of the stylistic aspects of writing.</p> <ul style="list-style-type: none"> <li>• Vary sentence patterns for meaning, reader/listener interest, and style.</li> <li>• Use precise language.</li> <li>• Develop and maintain a consistent voice.</li> </ul> <p>E06.D.2.1.1 E06.D.2.1.2 E06.D.2.1.3 E06.D.2.1.4 E06.D.2.1.5</p>	<p>1.4.7.Q Write with an awareness of the stylistic aspects of writing.</p> <ul style="list-style-type: none"> <li>• Choose language that expresses ideas precisely and concisely, recognizing and eliminating wordiness and redundancy.</li> <li>• Use sentences of varying lengths and complexities</li> <li>• Use precise language.</li> <li>• Develop and maintain a consistent voice.</li> </ul> <p>E07.D.2.1.1 E07.D.2.1.2 E07.D.2.1.3 E07.D.2.1.4 E07.D.2.1.5</p>	<p>1.4.8.Q Write with an awareness of the stylistic aspects of writing.</p> <ul style="list-style-type: none"> <li>• Use verbs in the active and passive voice and in the conditional and subjunctive mood to achieve particular effect.</li> <li>• Use sentences of varying lengths and complexities</li> <li>• Create tone and voice, though precise language.</li> </ul> <p>E08.D.2.1.1 E08.D.2.1.2 E08.D.2.1.3 E08.D.2.1.4 E08.D.2.1.5 E08.D.2.1.6</p>	<p>1.4.9-10.Q Write with an awareness of the stylistic aspects of writing.</p> <ul style="list-style-type: none"> <li>• Use parallel structure.</li> <li>• Use various types of phrases and clauses to convey meaning and add variety and interest.</li> </ul>	<p>1.4.11-12.Q Write with an awareness of the stylistic aspects of writing.</p> <ul style="list-style-type: none"> <li>• Use parallel structure.</li> <li>• Use various types of phrases and clauses to convey specific meanings and add variety and interest.</li> <li>• Use precise language, domain-specific vocabulary, and techniques such as metaphor, simile, and analogy to manage the complexity of the topic.</li> </ul>
	<p>1.4.6.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p> <p>E06.D.1.1.1 E06.D.1.1.2 E06.D.1.1.3 E06.D.1.1.4 E06.D.1.1.5 E06.D.1.1.6 E06.D.1.1.7 E06.D.1.1.8 E06.D.1.2.1 E06.D.1.2.2 E06.D.1.2.3</p>	<p>1.4.7.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p> <p>E07.D.1.1.1 E07.D.1.1.2 E07.D.1.1.3 E07.D.1.1.4 E07.D.1.1.5 E07.D.1.1.6 E07.D.1.1.7 E07.D.1.1.8 E07.D.1.1.9 E07.D.1.2.1 E07.D.1.2.2 E07.D.1.2.3 E07.D.1.2.4</p>	<p>1.4.8.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p> <p>E08.D.1.1.1 E08.D.1.1.2 E08.D.1.1.3 E08.D.1.1.4 E08.D.1.1.5 E08.D.1.1.6 E08.D.1.1.7 E08.D.1.1.8 E08.D.1.1.9 E08.D.1.1.10 E08.D.1.1.11 E08.D.1.2.1 E08.D.1.2.2 E08.D.1.2.3 E08.D.1.2.4 E08.D.1.2.5</p>	<p>1.4.9-10.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p>	<p>1.4.11-12.R Demonstrate a grade appropriate command of the conventions of standard English grammar and spelling.</p>

<b>1.4 Writing</b> <b>Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.</b>					
	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>	<b>Grade 9-10</b>	<b>Grade 11-12</b>
Response to Literature	<p>1.4.6.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and literary non-fiction.</p> <p>E06.E.1.1</p>	<p>1.4.7.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and literary non-fiction.</p> <p>E07.E.1.1</p>	<p>1.4.8.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and literary non-fiction.</p> <p>E08.E.1.1.1 E08.E.1.1.2 E08.E.1.1.3 E08.E.1.1.4 E08.E.1.1.5 E08.E.1.1.6</p>	<p>1.4.9-10.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and literary non-fiction.</p>	<p>1.4.11-12.S Draw evidence from literary or informational texts to support analysis, reflection, and research, applying grade level reading standards for literature and literary non-fiction.</p>
Production and Distribution of Writing Writing Process	<p>1.4.6.T With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.</p>	<p>1.4.7.T With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on how well purpose and audience have been addressed.</p>	<p>1.4.8.T With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on how well purpose and audience have been addressed.</p>	<p>1.4.9-10.T Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p>	<p>1.4.11-12.T Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p>



1.4	Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.				
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
	<p>1.4.6.U Use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of three pages in a single sitting.</p> <p>E06.D.2.1</p>	<p>1.4.7.U Use technology, including the Internet, to produce and publish writing and link to and cite sources as well as to interact and collaborate with others, including linking to and citing sources.</p> <p>E07.D.2.1</p>	<p>1.4.8.U Use technology, including the Internet, to produce and publish writing and present the relationships between information and ideas efficiently as well as to interact and collaborate with others.</p>	<p>1.4.9-10.U Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.</p>	<p>1.4.11-12.U Use technology, including the Internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments and information.</p>
	<p>1.4.6.V Conduct short research projects to answer a question, drawing on several sources and refocusing the inquiry when appropriate.</p>	<p>1.4.7.V Conduct short research projects to answer a question, drawing on several sources and generating additional related, focused questions for further research and investigation.</p>	<p>1.4.8.V Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.</p>	<p>1.4.9-10.V Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.</p>	<p>1.4.11-12.V Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.</p>
	<p>1.4.6.W Gather relevant information from multiple print and digital sources; assess the credibility of each source; and quote or paraphrase the data and conclusions of other while avoiding plagiarism and providing basic bibliographic information for sources.</p>	<p>1.4.7.W Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.</p>	<p>1.4.8.W Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.</p>	<p>1.4.9-10.W Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.</p>	<p>1.4.11-12.W Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.</p>

1.4	Writing Students write for different purposes and audiences. Students write clear and focused text to convey a well-defined perspective and appropriate content.				
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Range of Writing	1.4.6.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.7.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.8.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.9-10.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.	1.4.11-12.X Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes and audiences.
1.5	Speaking and Listening Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.				
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Comprehension and Collaboration	1.5.6.A Engage effectively in a range of collaborative discussions, on grade level topics, texts, and issues, building on others' ideas and expressing their own clearly.	1.5.7.A Engage effectively in a range of collaborative discussions, on grade level topics, texts, and issues, building on others' ideas and expressing their own clearly.	1.5.8.A Engage effectively in a range of collaborative discussions, on grade level topics, texts, and issues, building on others' ideas and expressing their own clearly.	1.5.9-10.A Initiate and participate effectively in a range of collaborative discussions on grades level topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.	1.5.11-12.A Initiate and participate effectively in a range of collaborative discussions on grades level topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.
Comprehension and Collaboration	1.5.6.B Interpret information presented in diverse media and formats (e.g. visually, quantitatively, orally) and explain how it contributes to a topic, text, or issue under study.	1.5.7.B Analyze the main ideas and supporting details presented in diverse media formats (e.g. visually, quantitatively, orally) and explain how the ideas clarify a topic, text, or issue under study.	1.5.8.B Analyze the purpose of information presented in diverse media formats (e.g. visually, quantitatively, orally) and evaluate the motives (e.g. social, commercial, political) behind its presentation.	1.5.9-10.B Integrate multiple sources of information presented in diverse media or formats (e.g. visually, quantitatively, orally) evaluating the credibility and accuracy of each source.	1.5.11-12.B Integrate multiple sources of information presented in diverse formats and media (e.g. visually, quantitative, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

<b>1.5 Speaking and Listening</b> Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.					
	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>	<b>Grade 9-10</b>	<b>Grade 11-12</b>
Comprehension and Collaboration Evaluating Information	1.5.6.C Delineate a speaker's argument and specific claims by identifying specific reasons and evidence, and recognize arguments or claims not supported by factual evidence.	1.5.7.C Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.	1.5.8.C Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.	1.5.9-10.C Evaluate a speaker's perspective, reasoning, and use of evidence and rhetoric, identifying any fallacious reasoning or exaggerated or distorted evidence.	1.5.11-12.C Evaluate how the speaker's perspective, reasoning, and use of evidence and rhetoric affect the credibility of an argument through the author's stance, premises, links among ideas, word choice, points of emphasis, and tone.
Presentation of Knowledge and Ideas	1.5.6.D Present claims and findings, sequencing ideas logically and using pertinent descriptions, facts, and details to accentuate main ideas or themes; use appropriate eye contact, adequate volume, and clear pronunciation.	1.5.7.D Present claims and findings, emphasizing salient points in a focused, coherent manner with pertinent descriptions, facts, details, and examples; use appropriate eye contact, adequate volume, and clear pronunciation.	1.5.8.D Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume and clear pronunciation.	1.5.9-10.D Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning; ensure that the presentation is appropriate to purpose, audience, and task.	1.5.11-12.D Present information, findings, and supporting evidence, conveying a clear and distinct perspective; organization, development, substance, and style are appropriate to purpose, audience, and task.

1.5	Speaking and Listening Students present appropriately in formal speaking situations, listen critically, and respond intelligently as individuals or in group discussions.				
	Grade 6	Grade 7	Grade 8	Grade 9-10	Grade 11-12
Integration of Knowledge and Ideas	1.5.6.E Include multimedia components and visual displays in presentations to clarify information.	1.5.7.E Include multimedia components and visual displays in presentations to clarify claims and findings and emphasize salient points.	1.5.8.E Integrate multimedia and visual displays into presentations to add interest, clarify information, and strengthen claims and evidence.	1.5.9-10.E Make strategic use of digital media in presentations to add interest and enhance understanding of findings, reasoning, and evidence.	1.5.11-12.E Make strategic use of digital media in presentations to add interest and enhance understanding of findings, reasoning, and evidence.
Integration of Knowledge and Ideas	1.5.6.F Adapt speech to a variety of contexts and tasks.	1.5.7.F Adapt speech to a variety of contexts and tasks.	1.5.8.F Adapt speech to a variety of contexts and tasks.	1.5.9-10.F Adapt speech to a variety of contexts and tasks.	1.5.11-12.F Adapt speech to a variety of contexts and tasks.
Conventions of Standard English	1.5.6.G Demonstrate command of the conventions of standard English when speaking based on grade 6 level and content.	1.5.7.G Demonstrate command of the conventions of standard English when speaking based on grade 7 level and content.	1.5.8.G Demonstrate command of the conventions of standard English when speaking based on grade 8 level and content.	1.5.9-10.G Demonstrate command of the conventions of standard English when speaking based on grade 9-10 level and content.	1.5.11-12.G Demonstrate command of the conventions of standard English when speaking based on grade 11-12 level and content.



# Pennsylvania Common Core Standards for Mathematics

## Grades Pre K—High School

### INTRODUCTION

The Pennsylvania Common Core Standards in Mathematics in grades PreK-5 lay a solid foundation in whole numbers, addition, subtraction, multiplication, division, fractions, and decimals. Taken together, these elements support a student's ability to learn and apply more demanding math concepts and procedures. The middle school and high school standards call on students to practice applying mathematical ways of thinking to real world issues and challenges; they prepare students to think and reason mathematically. Additionally, they set a rigorous definition of college and career readiness by demanding that students develop a depth of understanding and ability to apply mathematics to novel situations, as college students and employees regularly do. Although the **standards are not a curriculum** or a prescribed series of activities, school entities will use them to develop a local school curriculum that will meet local students' needs.

This document includes PA Common Core Standards for **Mathematics Content** and **Mathematical Practice**. The mathematics standards define what students should understand and be able to do. Mathematical Practice Standards describes the habits of mind required to reach a level of mathematical proficiency.

PA Common Core Standards <i>Mathematical Content and Mathematical Practice</i>	
Standards for Mathematical Content	Standards for Mathematical Practice
<b>2.1 Numbers and Operations</b> <i>A) Counting and Cardinality</i> <i>B) Number and Operations in Base Ten</i> <i>C) Number and Operations—Fractions</i> <i>D) Ratios and Proportional Relationships</i> <i>E) The Number System</i> <i>F) Number and Quantity</i>	<ul style="list-style-type: none"> <li>• <i>Make sense of problems and persevere in solving them.</i></li> <li>• <i>Use appropriate tools strategically.</i></li> <li>• <i>Reason abstractly and quantitatively.</i></li> <li>• <i>Attend to precision.</i></li> <li>• <i>Construct viable arguments and critique the reasoning of others.</i></li> <li>• <i>Look for and make use of structure.</i></li> <li>• <i>Model with mathematics.</i></li> <li>• <i>Look for and make sense of regularity in repeated reasoning.</i></li> </ul>
<b>2.2 Algebraic Concepts</b> <i>A) Operations and Algebra Thinking</i> <i>B) Expressions &amp; Equations</i> <i>C) Functions</i> <i>D) Algebra</i>	
<b>2.3 Geometry</b> <i>A) Geometry</i>	
<b>2.4 Data Analysis and Probability</b> <i>A) Measurement and Data</i> <i>B) Statistics and Probability</i>	

Standards cannot be viewed or addressed in isolation, as each standard depends upon or may lead into multiple standards across grades; thus, it is imperative that educators are familiar with both the standards that come before and those that follow a particular grade level. These revised standards reflect instructional shifts that cannot occur without the integrated emphasis on content and practice.

Standards are overarching statements of what a proficient math student should know and be able to do. The Pennsylvania Assessment Anchors and Eligible Content closely align with the revised standards and are an invaluable source for greater detail.

### Key Points in Mathematics

- The standards stress both procedural skills and conceptual understanding to ensure students are learning and applying the critical information they need to succeed at higher levels.
- K-5 standards provide students with a *solid foundation in whole numbers, addition, subtraction, multiplication, division, fractions, and decimals*—which help young students build the foundation to successfully apply more demanding math concepts and procedures, and move into application. They also provide detailed guidance to teachers on how to navigate their way through topics such as *fractions, negative numbers, and geometry* and do so by maintaining a continuous progression from grade to grade.
- Having built a strong foundation at K-5, students can do hands on learning in geometry, algebra, and probability and statistics. Students who have mastered the content and skills through the seventh grade will be *well-prepared for algebra* in grade 8.
- High school standards emphasize *practicing applying mathematical ways of thinking to real world issues and challenges*.

The PA Common Core Standards for Mathematics detail four standard areas: Numbers and Operations, Algebraic Concepts, Geometry, and Data Analysis and Probability. These standard areas are reflective of the reporting categories in the PA Common Core Assessment Anchors and Eligible Content. The intent of this document is to provide a useful tool for designing curriculum, instruction, and assessment. The grade level curriculum and instructional shifts in mathematics cannot occur without the integrated emphasis on content and practice. The chart below illustrates the four standard areas and the development and progression of the strands, with an understanding that all is framed around the Standards for Mathematical Practice.

Mathematical Standards: Development and Progression											
Standards for Mathematical Practice											
Make sense of problems and persevere in solving them. Construct viable arguments and critique the reasoning of others. Use appropriate tools strategically. Look for and make use of structure.							Reason abstractly and quantitatively. Model with mathematics. Attend to precision. Look for and express regularity in repeated reasoning.				
	Pre K	K	1	2	3	4	5	6	7	8	HS
2.1 Numbers and Operations	(A) Counting & Cardinality										
	(B) Number and Operations in Base Ten						(D) Ratios and Proportional Relationships			(F) Number and Quantity	
						(C) Number and Operations—Fractions		(E) The Number System			
2.2 Algebraic Concepts	(A) Operations and Algebraic Thinking						(B) Expressions and Equations			(D) Algebra	
									(C) Functions		
2.3 Geometry	(A) Geometry										
2.4 Data Analysis and Probability	(A) Measurement and Data						(B) Statistics and Probability				

<b>2.1 Numbers and Operations</b>					
<b>The Standards of Mathematical Practices</b>					
Make sense of problems and persevere in solving them. Reason abstractly and quantitatively. Construct viable arguments and critique the reasoning of others. Model with mathematics. Use appropriate tools strategically. Attend to precision. Look for and express regularity in repeated reasoning. Look for and make use of structure.					
<b>2.1.PREK Grade PreK</b>	<b>2.1.K Grade K</b>	<b>2.1.1 Grade 1</b>	<b>2.1.2 Grade 2</b>	<b>2.1.3 Grade 3</b>	<b>2.1.4 Grade 4</b> <b>2.1.5 Grade 5</b>
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i>					
<b>(A) Counting &amp; Cardinality</b>					
2.1.PREK.A.1 Know number names and the count sequence.	2.1.K.A.1 Know number names and write and recite the count sequence.	Intentionally Blank			
2.1.PREK.A.2 Count to tell the number of objects.	2.1.K.A.2 Apply one-to-one correspondence to count the number of objects.				
2.1.PREK.A.3 Compare numbers.	2.1.K.A.3 Apply the concept of magnitude to compare numbers and quantities.				
		Intentionally Blank			
		Intentionally Blank			
		Intentionally Blank			
		Intentionally Blank			

2.1 Numbers and Operations							
The Standards of Mathematical Practices							
Make sense of problems and persevere in solving them.		Reason abstractly and quantitatively.					
Construct viable arguments and critique the reasoning of others.		Model with mathematics.					
Use appropriate tools strategically.		Attend to precision.					
Look for and express regularity in repeated reasoning.		Look for and make use of structure.					
2.1.PREK Grade PreK	2.1.K Grade K	2.1.1 Grade 1	2.1.2 Grade 2	2.1.3 Grade 3	2.1.4 Grade 4	2.1.5 Grade 5	
Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:							
(B) Number & Operations in Base Ten							
Intentionally Blank	2.1.K.B.1 Use place value to compose and decompose numbers within 19.	2.1.1.B.1 Extend the counting sequence to read and write numerals to represent objects.	2.1.2.B.1 Use place value concepts to represent amounts of tens and ones and to compare three digit numbers.	2.1.3.B.1 Apply place value understanding and properties of operations to perform multi-digit arithmetic.  M03.A-T.1.1.1 M03.A-T.1.1.2 M03.A-T.1.1.3 M03.A-T.1.1.4	2.1.4.B.1 Apply place value concepts to show an understanding of multi-digit whole numbers.  M04.A-T.1.1.1 M04.A-T.1.1.2 M04.A-T.1.1.3 M04.A-T.1.1.4	2.1.5.B.1 Apply place value concepts to show an understanding of operations and rounding as they pertain to whole numbers and decimals. M05.A-T.1.1.1 M05.A-T.1.1.2 M05.A-T.1.1.3 M05.A-T.1.1.4 M05.A-T.1.1.5	
	Intentionally Blank	2.1.1.B.2 Use place value concepts to represent amounts of tens and ones and to compare two digit numbers.	2.1.2.B.2 Use place value concepts to read, write and skip count to 1000.	Intentionally Blank		2.1.4.B.2 Use place value understanding and properties of operations to perform multi-digit arithmetic. M04.A-T.2.1.1 M04.A-T.2.1.2 M04.A-T.2.1.3 M04.A-T.2.1.4	2.1.5.B.2 Extend an understanding of operations with whole numbers to perform operations including decimals.  M05.A-T.2.1.1 M05.A-T.2.1.2 M05.A-T.2.1.3
		2.1.1.B.3 Use place value concepts and properties of operations to add and subtract within 100.	2.1.2.B.3 Use place value understanding and properties of operations to add and subtract within 1000.	Intentionally Blank		Intentionally Blank	Intentionally Blank



2.1 Numbers and Operations						
The Standards of Mathematical Practices						
Make sense of problems and persevere in solving them.		Reason abstractly and quantitatively.				
Construct viable arguments and critique the reasoning of others.		Model with mathematics.				
Use appropriate tools strategically.		Attend to precision.				
Look for and express regularity in repeated reasoning.		Look for and make use of structure.				
2.1.PREK Grade PreK	2.1.K Grade K	2.1.1 Grade 1	2.1.2 Grade 2	2.1.3 Grade 3	2.1.4 Grade 4	2.1.5 Grade 5
Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:						
(C) Number & Operations - Fractions						
Intentionally Blank	Intentionally Blank	Intentionally Blank	Intentionally Blank	2.1.3.C.1 Explore and develop an understanding of fractions as numbers. M03.A-F.1.1.1 M03.A-F.1.1.2 M03.A-F.1.1.3 M03.A-F.1.1.4 M03.A-F.1.1.5	2.1.4.C.1 Extend the understanding of fractions to show equivalence and ordering.  M04.A-F.1.1.1 M04.A-F.1.1.2	2.1.5.C.1 Use the understanding of equivalency to add and subtract fractions.  M05.A-F.1.1.1
					2.1.4.C.2 Build fractions from unit fractions by applying and extending previous understandings of operations on whole numbers. M04.A-F.2.1.1 M04.A-F.2.1.2 M04.A-F.2.1.3 M04.A-F.2.1.4 M04.A-F.2.1.5 M04.A-F.2.1.6 M04.A-F.2.1.7	2.1.5.C.2 Apply and extend previous understandings of multiplication and division to multiply and divide fractions.
						M05.A-F.2.1.1 M05.A-F.2.1.2 M05.A-F.2.1.3 M05.A-F.2.1.4
				Intentionally Blank	2.1.4.C.3 Connect decimal notation to fractions, and compare decimal fractions (base 10 denominator, e.g., 19/100). M04.A-F.3.1.1 M04.A-F.3.1.2 M04.A-F.3.1.3	Intentionally Blank





<b>2.3 Geometry</b>					
<b>The Standards of Mathematical Practices</b>					
Make sense of problems and persevere in solving them. Reason abstractly and quantitatively. Construct viable arguments and critique the reasoning of others. Model with mathematics. Use appropriate tools strategically. Attend to precision. Look for and make use of structure. Look for and express regularity in repeated reasoning.					
<b>2.3.PRE K Grade PreK</b>	<b>2.3.K Grade K</b>	<b>2.3.1 Grade 1</b>	<b>2.3.2 Grade 2</b>	<b>2.3.3 Grade 3</b>	<b>2.3.4 Grade 4</b>
<b>2.3.5 Grade 5</b>					
<b>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</b>					
<b>(A) Geometry</b>					
2.3.PREK.A.1 Identify and describe shapes.	2.3.K.A.1 Identify and describe two- and three-dimensional shapes.	2.3.1.A.1 Compose and distinguish between two- and three-dimensional shapes based on their attributes.	2.3.2.A.1 Analyze and draw two- and three-dimensional shapes having specified attributes.	2.3.3.A.1 Identify, compare, and classify shapes and their attributes.  M03.C-G.1.1.1 M03.C-G.1.1.2	2.3.4.A.1 Draw lines and angles and identify these in two-dimensional figures.  M04.C-G.1.1.1
2.3.PREK.A.2 Analyze, compare, create, and compose shapes.	2.3.K.A.2 Analyze, compare, create, and compose two- and three-dimensional shapes.	2.3.1.A.2 Use the understanding of fractions to partition shapes into halves and quarters.	2.3.2.A.2 Use the understanding of fractions to partition shapes into halves, quarters, and thirds.	2.3.3.A.2 Use the understanding of fractions to partition shapes into parts with equal areas and express the area of each part as a unit fraction of the whole.  M03.C-G.1.1.3	2.3.4.A.2 Classify two-dimensional figures by properties of their lines and angles. M04.C-G.1.1.2  2.3.4.A.3 Recognize symmetric shapes and draw lines of symmetry.  M04.C-G.1.1.3
				2.3.5.A.1 Graph points in the first quadrant on the coordinate plane and interpret these points when solving real world and mathematical problems. M05.C-G.1.1.1 M05.C-G.1.1.2	2.3.5.A.2 Classify two-dimensional figures into categories based on an understanding of their properties.  M05.C-G.2.1.1



<b>2.4 Data Analysis and Probability</b>					
<b>The Standards of Mathematical Practices</b>					
Make sense of problems and persevere in solving them. Reason abstractly and quantitatively. Construct viable arguments and critique the reasoning of others. Model with mathematics. Use appropriate tools strategically. Attend to precision. Look for and make use of structure. Look for and express regularity in repeated reasoning.					
<b>2.4.PREK Grade PreK</b>	<b>2.4.K Grade K</b>	<b>2.4.1 Grade 1</b>	<b>2.4.2 Grade 2</b>	<b>2.4.3 Grade 3</b>	<b>2.4.4 Grade 4</b> <b>2.4.5 Grade 5</b>
<b>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</b>					
<b>(A) Measurement and Data</b>					
2.4.PREK.A.1 Describe and compare measurable attributes.	2.4.K.A.1 Describe and compare measurable attributes of objects.	2.4.1.A.1 Order lengths and measure them both indirectly and by repeating length units.	2.4.2.A.1 Measure and estimate lengths in standard units using appropriate tools.	2.4.3.A.1 Solve problems involving measurement and estimation of temperature, liquid volume, mass or length. M03.D-M.1.1.1 M03.D-M.1.1.2	2.4.4.A.1 Solve problems involving conversions from a larger unit to a smaller unit. M04.D-M.1.1.1 M04.D-M.1.1.2 M04.D-M.1.1.3 M04.D-M.1.1.4  2.4.5.A.1 Solve problems using conversions within a given measurement system.  M05.D-M.1.1.1
<i>Intentionally Blank</i>	<i>Intentionally Blank</i>	2.4.1.A.2 Tell and write time to the nearest half hour using both analog and digital clocks.	2.4.2.A.2 Tell and write time to the nearest five minutes.	2.4.3.A.2 Tell and write time to the nearest minute and solve problems by calculating time intervals. M03.D-M.1.2.1 M03.D-M.1.2.2 M03.D-M.1.2.3  2.4.4.A.2 Translate information from one type of data display to another.	2.4.5.A.2 Represent and interpret data using appropriate scale.  M05.D-M.2.1.2
<i>Intentionally Blank</i>	<i>Intentionally Blank</i>		2.4.2.A.3 Solve problems using coins and paper currency.	2.4.3.A.3 Solve problems involving money using a combination of coins and bills. M03.D-M.1.3.1 M03.D-M.1.3.2 M03.D-M.1.3.3	<i>Intentionally Blank</i>



<b>2.1. Numbers and Operations</b>			
<b>The Standards of Mathematical Practices</b>			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
<b>2.1.6 Grade 6</b>	<b>2.1.7 Grade 7</b>	<b>2.1.8 Grade 8</b>	<b>2.1.HS High School</b>
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i>			
<b>(D) Ratios &amp; Proportional Relationships</b>			<b>(F) Number and Quantity</b>
2.1.6.D.1 Understand ratio concepts and use ratio reasoning to solve problems.	2.1.7.D.1 Analyze proportional relationships and use them to model real-world and mathematical problems.  M07.A-R.1.1.1 M07.A-R.1.1.2 M07.A-R.1.1.3 M07.A-R.1.1.4 M07.A-R.1.1.5 M07.A-R.1.1.6	<i>Intentionally Blank</i>	2.1.HS.F.1 Apply and extend the properties of exponents to solve problems with rational exponents.  2.1.HS.F.2 Apply properties of rational and irrational numbers to solve real world or mathematical problems.  2.1.HS.F.3 Apply quantitative reasoning to choose and Interpret units and scales in formulas, graphs and data displays.  2.1.HS.F.4 Use units as a way to understand problems and to guide the solution of multi-step problems.
<b>(E) The Number System</b>			
2.1.6.E.1 Apply and extend previous understandings of multiplication and division to divide fractions by fractions. M06.A-N.1.1.1	2.1.7.E.1 Apply and extend previous understandings of operations with fractions to operations with rational numbers. M07.A-N.1.1.1 M07.A-N.1.1.2 M07.A-N.1.1.3	2.1.8.E.1 Distinguish between rational and irrational numbers using their properties.  M08.A-N.1.1.1 M08.A-N.1.1.2	2.1.HS.F.5 Choose a level of accuracy appropriate to limitations on measurement when reporting quantities.

<b>2.1. Numbers and Operations</b>			
<b>The Standards of Mathematical Practices</b>			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
<b>2.1.6 Grade 6</b>	<b>2.1.7 Grade 7</b>	<b>2.1.8 Grade 8</b>	<b>2.1.HS High School</b>
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i>			
<b>(E) The Number System</b>			<b>(F) Number and Quantity</b>
2.1.6.E.2 Identify and choose appropriate processes to compute fluently with multi-digit numbers. M06.A-N.2.1.1	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>	2.1.HS.F.6 Extend the knowledge of arithmetic operations and apply to complex numbers.
2.1.6.E.3 Develop and/or apply number theory concepts to find common factors and multiples. M06.A-N.2.2.1 M06.A-N.2.2.2	<i>Intentionally Blank</i>		
2.1.6.E.4 Apply and extend previous understandings of numbers to the system of rational numbers. M06.A-N.3.1.1 M06.A-N.3.1.2 M06.A-N.3.1.3 M06.A-N.3.2.1 M06.A-N.3.2.2 M06.A-N.3.2.3	<i>Intentionally Blank</i>	2.1.8.E.4 Estimate irrational numbers by comparing them to rational numbers.  M08.A-N.1.1.3 M08.A-N.1.1.4 M08.A-N.1.1.5	2.1.HS.F.7 Apply concepts of complex numbers in polynomial identities and quadratic equations to solve problems.



<b>2.2. Algebraic Concepts</b>			
<b>The Standards of Mathematical Practices</b>			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
<b>2.2.6 Grade 6</b>	<b>2.2.7 Grade 7</b>	<b>2.2.8 Grade 8</b>	<b>2.2.HS High School</b>
<b>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</b>			
<b>(B) Expressions and Equations</b>			<b>(D) Algebra</b>
<b>2.2.6.B.1</b> Apply and extend previous understandings of arithmetic to algebraic expressions. M06.B-E.1.1.1 M06.B-E.1.1.2 M06.B-E.1.1.3 M06.B-E.1.1.4 M06.B-E.1.1.5	<b>2.2.7.B.1</b> Apply properties of operations to generate equivalent expressions. M07.B-E.1.1.1	<b>2.2.8.B.1</b> Apply concepts of radicals and integer exponents to generate equivalent expressions. M08.B-E.1.1.1 M08.B-E.1.1.2 M08.B-E.1.1.3 M08.B-E.1.1.4	<b>2.2.HS.D.1</b> Interpret the structure of expressions to represent a quantity in terms of its context.  <b>2.2.HS.D.2</b> Write expressions in equivalent forms to solve problems.  <b>2.2.HS.D.3</b> Extend the knowledge of arithmetic operations and apply to polynomials.  <b>2.2.HS.D.4</b> Understand the relationship between zeros and factors of polynomials to make generalizations about functions and their graphs.
<b>2.2.6.B.2</b> Understand the process of solving a one-variable equation or inequality and apply to real-world and mathematical problems. M06.B-E.2.1.1 M06.B-E.2.1.2 M06.B-E.2.1.3 M06.B-E.2.1.4	<i>Intentionally Blank</i>	<b>2.2.8.B.2</b> Understand the connections between proportional relationships, lines, and linear equations.  M08.B-E.2.1.1 M08.B-E.2.1.2 M08.B-E.2.1.3	<b>2.2.HS.D.5</b> Use polynomial identities to solve problems.  <b>2.2.HS.D.6</b> Extend the knowledge of rational functions to rewrite in equivalent forms.  <b>2.2.HS.D.7</b> Create and graph equations or inequalities to describe numbers or relationships.  <b>2.2.HS.D.8</b> Apply inverse operations to solve equations or formulas for a given variable.

<b>2.2. Algebraic Concepts</b>			
<b>The Standards of Mathematical Practices</b>			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
<b>2.2.6 Grade 6</b>	<b>2.2.7 Grade 7</b>	<b>2.2.8 Grade 8</b>	<b>2.2.HS High School</b>
<b>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</b>			
<b>(B) Expressions and Equations</b>			<b>(D) Algebra</b>
2.2.6.B.3 Represent and analyze quantitative relationships between dependent and independent variables.	2.2.7.B.3 Model and solve real-world and mathematical problems by using numerical, algebraic, and/or graphical representations.	2.2.8.B.3 Analyze and solve linear equations and pairs of simultaneous linear equations.	2.2.HS.D.9 Use reasoning to solve equations and justify the solution method.
M06.B-E.3.1.1 M06.B-E.3.1.2	M07.B-E.2.1.1 M07.B-E.2.2.1 M07.B-E.2.2.2 M07.B-E.2.3.1	M08.B-E.3.1.1 M08.B-E.3.1.2 M08.B-E.3.1.3 M08.B-E.3.1.4	2.2.HS.D.10 Represent, solve and interpret equations/inequalities and systems of equations/inequalities algebraically and graphically.

2.2. Algebraic Concepts			
The Standards of Mathematical Practices			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
2.2.6 Grade 6	2.2.7 Grade 7	2.2.8 Grade 8	2.2.HS High School
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i>			
(C) Functions		(C) Functions	
Intentionally Blank	Intentionally Blank	2.1.8.C.1 Define, evaluate, and compare functions.  M08.B-F.1.1.1 M08.B-F.1.1.2 M08.B-F.1.1.3	2.1.HS.C.1 Use the concept and notation of functions to interpret and apply them in terms of their context.  2.1.HS.C.2 Graph and analyze functions and use their properties to make connections between the different representations.  2.1.HS.C.3 Write functions or sequences that model relationships between two quantities.
		2.1.8.C.2 Use concepts of functions to model relationships between quantities.  M08.B-F.2.1.1 M08.B-F.2.1.2	2.1.HS.C.4 Interpret the effects transformations have on functions and find the inverses of functions.  2.1.HS.C.5 Construct and compare linear, quadratic and exponential models to solve problems.  2.1.HS.C.6 Interpret functions in terms of the situation they model.  2.1.HS.C.7 Apply radian measure of an angle and the unit circle to analyze the trigonometric functions.  2.1.HS.C.8 Choose trigonometric functions to model periodic phenomena and describe the properties of the graphs.  2.1.HS.C.9 Prove the Pythagorean identity and use it to calculate trigonometric ratios.

<b>2.3. Geometry</b>			
<b>The Standards of Mathematical Practices</b>			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
<b>2.3.6 Grade 6</b>	<b>2.3.7 Grade 7</b>	<b>2.3.8 Grade 8</b>	<b>2.3.HS High School</b>
<b>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</b>			
<b>(A) Geometry</b>			
<b>2.3.6.A.1</b> Apply appropriate tools to solve real-world and mathematical problems involving area, surface area, and volume.	<b>2.3.7.A.1</b> Visualize and represent geometric figures and describe the relationships between them.	<b>2.3.8.A.1</b> Understand and apply congruence and similarity using various tools.	<b>2.3.HS.A.1</b> Use geometric figures and their properties to represent transformations in the plane.
M06.C-G.1.1.1 M06.C-G.1.1.2 M06.C-G.1.1.3	M07.C-G.1.1.1 M07.C-G.1.1.2 M07.C-G.1.1.3 M07.C-G.1.1.4	M08.C-G.1.1.1 M08.C-G.1.1.2 M08.C-G.1.1.3 M08.C-G.1.1.4	<b>2.3.HS.A.2</b> Apply rigid transformations to determine and explain congruence.
<b>2.3.6.A.2</b> Graph points in all four quadrants on the coordinate plane to solve real world and mathematical problems.	<i>Intentionally Blank</i>	<b>2.3.8.A.2</b> Understand and apply the Pythagorean Theorem to solve problems.	<b>2.3.HS.A.3</b> Verify and apply geometric theorems as they relate to geometric figures.
M06.C-G.1.1.4 M06.C-G.1.1.5 M06.C-G.1.1.6		M08.C-G.2.1.1 M08.C-G.2.1.2 M08.C-G.2.1.3	<b>2.3.HS.A.4</b> Apply the concept of congruence to create geometric constructions.
		<b>2.3.8.A.3</b> Apply the concepts of volume of cylinders, cones, and spheres to solve real-world and mathematical problems.	<b>2.3.HS.A.5</b> Create justifications based on transformations to establish similarity of plane figures.
	<b>2.3.7.A.3</b> Solve real-world and mathematical problems involving angle measure, area, surface area, circumference, and volume.	<b>2.3.8.A.3</b> Apply the concepts of volume of cylinders, cones, and spheres to solve real-world and mathematical problems.	<b>2.3.HS.A.6</b> Verify and apply theorems involving similarity as they relate to plane figures.
<i>Intentionally Blank</i>	M07.C-G.2.1.1 M07.C-G.2.1.2 M07.C-G.2.2.1 M07.C-G.2.2.2	M08.C-G.3.1.1	<b>2.3.HS.A.7</b> Apply trigonometric ratios to solve problems involving right triangles.
			<b>2.3.HS.A.8</b> Apply geometric theorems to verify properties of circles.
			<b>2.3.HS.A.9</b> Extend the concept of similarity to determine arc lengths and areas of sectors of circles.
			<b>2.3.HS.A.10</b> Translate between the geometric description and the equation for a conic section.
			<b>2.3.HS.A.11</b> Apply coordinate geometry to prove simple geometric theorems algebraically.
			<b>2.3.HS.A.12</b> Explain volume formulas and use them to solve problems.
			<b>2.3.HS.A.13</b> Analyze relationships between two-dimensional and three-dimensional objects.
			<b>2.3.HS.A.14</b> Apply geometric concepts to model and solve real world problems.



2.4 Data Analysis and Probability			
The Standards of Mathematical Practices			
Make sense of problems and persevere in solving them.	Reason abstractly and quantitatively.		
Construct viable arguments and critique the reasoning of others.	Model with mathematics.		
Use appropriate tools strategically.	Attend to precision.		
Look for and make use of structure.	Look for and express regularity in repeated reasoning.		
2.4.6 Grade 6	2.4.7 Grade 7	2.4.8 Grade 8	2.4.HS High School
<i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i>			
(B) Statistics and Probability			(B) Statistics and Probability
2.4.6.B.1 Use a set of numerical data to develop an understanding of and recognize statistical variability.	2.4.7.B.1 Draw inferences about populations based on random sampling concepts.	2.4.8.B.1 Analyze and/or interpret bivariate data displayed in multiple representations.  M08.D-S.1.1.1 M08.D-S.1.1.2 M08.D-S.1.1.3	2.4.HS.B.1 Summarize, represent, and interpret data on a single count or measurement variable.  2.4.HS.B.2 Summarize, represent, and interpret data on two categorical and quantitative variables.  2.4.HS.B.3 Analyze linear models to make interpretations based on the data.
2.4.6.B.2 Use numerical data and apply statistical properties to summarize and describe a distribution.	2.4.7.B.2 Draw informal comparative inferences about two populations.	2.4.8.B.2 Understand that patterns of association can be seen in bivariate data utilizing frequencies.  M08.D-S.1.2.1	2.4.HS.B.4 Recognize and evaluate random processes underlying statistical experiments.  2.4.HS.B.5 Make inferences and justify conclusions based on sample surveys, experiments, and observational studies.  2.4.HS.B.6 Use the concepts of independence and conditional probability to interpret data.
M06.D-S.1.1.3 M06.D-S.1.1.4	M07.D-S.2.1.1		
<i>Intentionally Blank</i>	2.4.7.B.3 Investigate chance processes and develop, use, and evaluate probability models.  M07.D-S.3.1.1	<i>Intentionally Blank</i>	2.4.HS.B.7 Apply the rules of probability to compute probabilities of compound events in a uniform probability model.

**Key Terms for this Document**

**Standards for Mathematical Content**—These standards define what students should know and be able to do in their study of mathematics.

**Standards for Mathematical Practice**—These standards describe the processes and proficiencies in which all students from grades K-12 should engage. Educators must instill these standards of practice in their students so that they become habitual. The standards for mathematical practice should be used as the vehicle to deliver the standards of mathematical content.

**Standard Algorithm**—A locally agreed upon method of computation which is conventionally taught for solving mathematical problems.

**Decimal Fraction**—a fraction whose denominator is a power of ten. (Examples: 2/100, 8/10) These fractions are commonly expressed as decimals.

**Unit Fraction**—a rational number written as a fraction where the numerator is one and the denominator is a positive integer (ex.. 1/20)

**Bivariate Data**—the data involves two variables and is usually represented as a scatter plot

**Rule**—a single operation (e.g., add 5, multiply by 2, etc)

## APPENDIX B. Academic Standards for Science and Technology and Environment and Ecology

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## Academic Standards for Environment and Ecology

## XII. GLOSSARY

<b>Abiotic:</b>	<b>A nonliving factor or element (e.g., light, water, heat, rock, energy, mineral).</b>
<b>Acid deposition:</b>	Precipitation with a pH less than 5.6 that forms in the atmosphere when certain pollutants mix with water vapor.
<b>Biological diversity:</b>	The variety and complexity of species present and interacting in an ecosystem and the relative abundance of each.
<b>Biotic:</b>	An environmental factor related to or produced by living organisms.
<b>Closing the loop:</b>	A link in the circular chain of recycling events that promotes the use of products made with recycled materials.
<b>Commodities:</b>	Economic goods or products before they are processed and/or given a brand name, such as a product of agriculture.
<b>Composting:</b>	The process of mixing decaying leaves, manure and other nutritive matter to improve and fertilize soil.
<b>Consumer:</b>	1) Those organisms that obtain energy by feeding on other organisms and their remains. 2) A person buying goods or services for personal needs or to use in the production of other goods for resale.
<b>Decomposer:</b>	An organism, often microscopic in size, that obtains nutrients by consuming dead organic matter, thereby making nutrients accessible to other organisms; examples of decomposers include fungi, scavengers, rodents and other animals.
<b>Delineate:</b>	To trace the outline; to draw; to sketch; to depict or picture.
<b>Ecosystem:</b>	A community of living organisms and their interrelated physical and chemical environment.
<b>Endangered Species:</b>	A species that is in danger of extinction throughout all or a significant portion of its range.
<b>Environment:</b>	The total of the surroundings (air, water, soil, vegetation, people, wildlife) influencing each living being's existence, including physical, biological and all other factors; the surroundings of a plant or animal, including other plants or animals, climate and location.
<b>Equilibrium:</b>	The ability of an ecosystem to maintain stability among its biological resources (e.g., forest, fisheries, crops) so that there is a steady optimum yield.
<b>Extinction:</b>	The complete elimination of a species from the earth.
<b>Groundwater:</b>	Water that infiltrates the soil and is located in underground reservoirs called aquifers.
<b>Hazardous waste:</b>	A solid that, because of its quantity or concentration or its physical, chemical or infectious characteristics, may cause or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.
<b>Homeostasis:</b>	The tendency for a system by resisting change to remain in a state of equilibrium.
<b>Incinerating:</b>	Burning to ashes; reducing to ashes.
<b>Integrated pest management:</b>	A variety of pest control methods that include repairs, traps, bait, poison, etc. to eliminate pests.
<b>Lentic:</b>	Relating to or living in still water.
<b>Lotic:</b>	Relating to or living in actively moving water.
<b>Mitigation:</b>	The policy of constructing or creating man-made habitats, such as wetlands, to replace those lost to development.
<b>Niche (ecological):</b>	The role played by an organism in an ecosystem; its food preferences, requirements for shelter, special behaviors and the timing of its activities (e.g., nocturnal, diurnal), interaction with other organisms and its habitat.
<b>Nonpoint source pollution:</b>	Contamination that originates from many locations that all discharge into a location (e.g., a lake, stream, land area).
<b>Nonrenewable resources:</b>	Substances (e.g., oil, gas, coal, copper, gold) that, once used, cannot be replaced in this geological age.
<b>Point source pollution:</b>	Pollutants discharged from a single identifiable location (e.g., pipes, ditches, channels, sewers, tunnels, containers of various types).
<b>Pest:</b>	A label applied to an organism when it is in competition with humans for some resource.
<b>Recycling:</b>	Collecting and reprocessing a resource or product to make into new products.

<b>Regulation:</b>	A rule or order issued by an executive authority or regulatory agency of a government and having the force of law.
<b>Renewable:</b>	A naturally occurring raw material or form of energy that will be replenished through natural ecological cycles or sound management practices (e.g., the sun, wind, water, trees).
<b>Risk management:</b>	A strategy developed to reduce or control the chance of harm or loss to one's health or life; the process of identifying, evaluating, selecting and implementing actions to reduce risk to human health and to ecosystems.
<b>Shredder:</b>	Through chewing and/or grinding, microorganisms feed on non-woody coarse particulate matter, primarily leaves.
<b>Stream order:</b>	Energy and nutrient flow that increases as water moves toward the oceans (e.g., the smallest stream (primary) that ends when rivers flow into oceans).
<b>Succession:</b>	The series of changes that occur in an ecosystem with the passing of time.
<b>Sustainability:</b>	The ability to keep in existence or maintain. A sustainable ecosystem is one that can be maintained.
<b>Trophic levels:</b>	The role of an organism in nutrient and energy flow within an ecosystem (e.g., herbivore, carnivore, decomposer).
<b>Waste stream:</b>	The flow of (waste) materials from generation, collection and separation to disposal.
<b>Watershed:</b>	The land area from which surface runoff drains into a stream, channel, lake, reservoir or other body of water; also called a drainage basin.
<b>Wetlands:</b>	Lands where water saturation is the dominant factor determining the nature of the soil development and the plant and animal communities (e.g., sloughs, estuaries, marshes).

**Common Core Standards for Literacy in History/Social Sciences, Science, and Technical Subjects\***

\* Supplement to current Academic Standards for Science and Technology

**Reading Standards for Literacy in History/Social Studies 6-12**

**[ RH ]**

The standards below begin at grade 6; standards for K-5 reading in history/social studies, science, and technical subjects are integrated into the K-5 Reading standards. The CCR anchor standards and high school standards in literacy work in tandem to define college and career readiness expectations—the former providing broad standards, the latter providing additional specificity.

<b>Grades 6-8 students:</b>	<b>Grades 9-10 students:</b>	<b>Grades 11-12 students:</b>
<b>Key Ideas and Details</b>		
1. Cite specific textual evidence to support analysis of primary and secondary sources.	1. Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.	1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.	2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.	2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
3. Identify key steps in a text's description of a process related to history/social studies (e.g., how a bill becomes law, how interest rates are raised or lowered).	3. Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.	3. Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.
<b>Craft and Structure</b>		
4. Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.	4. Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.	4. Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines <i>faction</i> in <i>Federalist</i> No. 10).

<b>Grades 6-8 students:</b>	<b>Grades 9-10 students:</b>	<b>Grades 11-12 students:</b>
5. Describe how a text presents information (e.g., sequentially, comparatively, causally).	5. Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.	5. Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.
6. Identify aspects of a text that reveal an author's point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).	6. Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.	6. Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.
<b><i>Integration of Knowledge and Ideas</i></b>		
7. Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.	7. Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.	7. Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.
8. Distinguish among fact, opinion, and reasoned judgment in a text.	8. Assess the extent to which the reasoning and evidence in a text support the author's claims.	8. Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.
9. Analyze the relationship between a primary and secondary source on the same topic.	9. Compare and contrast treatments of the same topic in several primary and secondary sources.	9. Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
<b><i>Range of Reading and Level of Text Complexity</i></b>		
10. By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.	10. By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.	10. By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

**Reading Standards for Literacy in Science and Technical Subjects 6-12****[ RST ]**

<b>Grades 6-8 students:</b>	<b>Grades 9-10 students:</b>	<b>Grades 11-12 students:</b>
<b><i>Key Ideas and Details</i></b>		
1. Cite specific textual evidence to support analysis of science and technical texts.	1. Cite specific textual evidence to support analysis of science and technical texts, attending to the precise details of explanations or descriptions.	1. Cite specific textual evidence to support analysis of science and technical texts, attending to important distinctions the author makes and to any gaps or inconsistencies in the account.
2. Determine the central ideas or conclusions of a text; provide an accurate summary of the text distinct from prior knowledge or opinions.	2. Determine the central ideas or conclusions of a text; trace the text's explanation or depiction of a complex process, phenomenon, or concept; provide an accurate summary of the text.	2. Determine the central ideas or conclusions of a text; summarize complex concepts, processes, or information presented in a text by paraphrasing them in simpler but still accurate terms.
3. Follow precisely a multistep procedure when carrying out experiments, taking measurements, or performing technical tasks.	3. Follow precisely a complex multistep procedure when carrying out experiments, taking measurements, or performing technical tasks, attending to special cases or exceptions defined in the text.	3. Follow precisely a complex multistep procedure when carrying out experiments, taking measurements, or performing technical tasks; analyze the specific results based on explanations in the text.



Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<b><i>Craft and Structure</i></b>		
4. Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to <i>grades 6-8 texts and topics</i> .	4. Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to <i>grades 9-10 texts and topics</i> .	4. Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to <i>grades 11-12 texts and topics</i> .
5. Analyze the structure an author uses to organize a text, including how the major sections contribute to the whole and to an understanding of the topic.	5. Analyze the structure of the relationships among concepts in a text, including relationships among key terms (e.g., <i>force, friction, reaction force, energy</i> ).	5. Analyze how the text structures information or ideas into categories or hierarchies, demonstrating understanding of the information or ideas.
6. Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text.	6. Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text, defining the question the author seeks to address.	6. Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text, identifying important issues that remain unresolved.
<b><i>Integration of Knowledge and Ideas</i></b>		
7. Integrate quantitative or technical information expressed in words in a text with a version of that information expressed visually (e.g., in a flowchart, diagram, model, graph, or table).	7. Translate quantitative or technical information expressed in words in a text into visual form (e.g., a table or chart) and translate information expressed visually or mathematically (e.g., in an equation) into words.	7. Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., quantitative data, video, multimedia) in order to address a question or solve a problem.
8. Distinguish among facts, reasoned judgment based on research findings, and speculation in a text.	8. Assess the extent to which the reasoning and evidence in a text support the author's claim or a recommendation for solving a scientific or technical problem.	8. Evaluate the hypotheses, data, analysis, and conclusions in a science or technical text, verifying the data when possible and corroborating or challenging conclusions with other sources of information.
9. Compare and contrast the information gained from experiments, simulations, video, or multimedia sources with that gained from reading a text on the same topic.	9. Compare and contrast findings presented in a text to those from other sources (including their own experiments), noting when the findings support or contradict previous explanations or accounts.	9. Synthesize information from a range of sources (e.g., texts, experiments, simulations) into a coherent understanding of a process, phenomenon, or concept, resolving conflicting information when possible.
<b><i>Range of Reading and Level of Text Complexity</i></b>		
10. By the end of grade 8, read and comprehend science/technical texts in the grades 6-8 text complexity band independently and proficiently.	10. By the end of grade 10, read and comprehend science/technical texts in the grades 9-10 text complexity band independently and proficiently.	10. By the end of grade 12, read and comprehend science/technical texts in the grades 11-CCR text complexity band independently and proficiently.

**Writing Standards for Literacy in History/Social Studies, Science, and Technical Subjects 6-12 [ WHST ]**

The standards below begin at grade 6; standards for K-5 writing in history/social studies, science, and technical subjects are integrated into the K-5 Writing standards. The CCR anchor standards and high school standards in literacy work in tandem to define college and career readiness expectations—the former providing broad standards, the latter providing additional specificity.

<b>Grades 6-8 students:</b>	<b>Grades 9-10 students:</b>	<b>Grades 11-12 students:</b>
<b><i>Text Types and Purposes</i></b>		
1. Write arguments focused on <i>discipline-specific content</i> . a. Introduce claim(s) about a topic or issue, acknowledge and distinguish the claim(s) from alternate or opposing claims, and organize the reasons and evidence logically. b. Support claim(s) with logical reasoning and relevant, accurate data and evidence that demonstrate an understanding of the topic or text, using credible sources. c. Use words, phrases, and clauses to create cohesion and clarify the relationships among claim(s), counterclaims, reasons, and evidence. d. Establish and maintain a formal style. e. Provide a concluding statement or section that follows from and supports the argument presented.	1. Write arguments focused on <i>discipline-specific content</i> . a. Introduce precise claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that establishes clear relationships among the claim(s), counterclaims, reasons, and evidence. b. Develop claim(s) and counterclaims fairly, supplying data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form and in a manner that anticipates the audience's knowledge level and concerns. c. Use words, phrases, and clauses to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims. d. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing. e. Provide a concluding statement or section that follows from or supports the argument presented.	1. Write arguments focused on <i>discipline-specific content</i> . a. Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons, and evidence. b. Develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form that anticipates the audience's knowledge level, concerns, values, and possible biases. c. Use words, phrases, and clauses as well as varied syntax to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims. d. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing. e. Provide a concluding statement or section that follows from or supports the argument presented.

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<p>2. Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.</p> <p>a. Introduce a topic clearly, previewing what is to follow; organize ideas, concepts, and information into broader categories as appropriate to achieving purpose; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.</p> <p>b. Develop the topic with relevant, well-chosen facts, definitions, concrete details, quotations, or other information and examples.</p> <p>c. Use appropriate and varied transitions to create cohesion and clarify the relationships among ideas and concepts.</p> <p>d. Use precise language and domain-specific vocabulary to inform about or explain the topic.</p> <p>e. Establish and maintain a formal style and objective tone.</p> <p>f. Provide a concluding statement or section that follows from and supports the information or explanation presented.</p>	<p>2. Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.</p> <p>a. Introduce a topic and organize ideas, concepts, and information to make important connections and distinctions; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.</p> <p>b. Develop the topic with well-chosen, relevant, and sufficient facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.</p> <p>c. Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among ideas and concepts.</p> <p>d. Use precise language and domain-specific vocabulary to manage the complexity of the topic and convey a style appropriate to the discipline and context as well as to the expertise of likely readers.</p> <p>e. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.</p> <p>f. Provide a concluding statement or section that follows from and supports the information or explanation presented (e.g., articulating implications or the significance of the topic).</p>	<p>2. Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.</p> <p>a. Introduce a topic and organize complex ideas, concepts, and information so that each new element builds on that which precedes it to create a unified whole; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.</p> <p>b. Develop the topic thoroughly by selecting the most significant and relevant facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.</p> <p>c. Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.</p> <p>d. Use precise language, domain-specific vocabulary and techniques such as metaphor, simile, and analogy to manage the complexity of the topic; convey a knowledgeable stance in a style that responds to the discipline and context as well as to the expertise of likely readers.</p> <p>e. Provide a concluding statement or section that follows from and supports the information or explanation provided (e.g., articulating implications or the significance of the topic).</p>
3. (See note; not applicable as a separate requirement)	3. (See note; not applicable as a separate requirement)	3. (See note; not applicable as a separate requirement)

**Note:** Students' narrative skills continue to grow in these grades. The Standards require that students be able to incorporate narrative elements effectively into arguments and informative/explanatory texts. In history/social studies, students must be able to incorporate narrative accounts into their analyses of individuals or events of historical import. In science and technical subjects, students must be able to write precise enough descriptions of the step-by-step procedures they use in their investigations or technical work that others can replicate them and (possibly) reach the same results.

### Writing Standards for Literacy in History/Social Studies, Science, and Technical Subjects 6-12 [ WHST ]

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<b><i>Production and Distribution of Writing</i></b>		
4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.	4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.	4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

<b>Grades 6-8 students:</b>	<b>Grades 9-10 students:</b>	<b>Grades 11-12 students:</b>
5. With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on how well purpose and audience have been addressed.	5. Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.	5. Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.
6. Use technology, including the Internet, to produce and publish writing and present the relationships between information and ideas clearly and efficiently.	6. Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.	6. Use technology, including the Internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments or information.
<b><i>Research to Build and Present Knowledge</i></b>		
7. Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.	7. Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.	7. Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.
8. Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.	8. Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.	8. Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the specific task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.
9. Draw evidence from informational texts to support analysis, reflection, and research.	9. Draw evidence from informational texts to support analysis, reflection, and research.	9. Draw evidence from informational texts to support analysis, reflection, and research.
<b><i>Range of Writing</i></b>		
10. Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.	10. Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.	10. Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.



## APPENDIX C. Academic Standards for Civics and Government and Economics and Geography and History

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## XXIV. GLOSSARY

<b>Artifact:</b>	<b>Any object made by human work or skill.</b>
<b>Beginnings:</b>	A demarcation of time designating studies to commence with the written historical record.
<b>Central issue:</b>	The primary concern from which other problems or matters are derived. For example, today's world migration flows are a central issue from which other concerns such as terrorist threats may arise.
<b>Chronology:</b>	The science of measuring time and of dating events. Examples include BCE (before the common era) and CE (common era). Another reference to chronology is CA, around the time, circa.
<b>Conflict:</b>	The opposition of persons or groups that gives rise to dramatic action. Such actions could include the use of force as in combat.
<b>Culture:</b>	The skills and arts of a given people in a given period of time or a civilization.
<b>Document:</b>	Anything written or printed used to record or prove something.
<b>Historical evidence:</b>	Something that makes something else noticeable, obvious or evident.
<b>Historical passage:</b>	An article or section of a longer work that has importance to the past.
<b>Innovation:</b>	The introduction of something new; an idea, method or devise.
<b>Interpretation:</b>	Explanation or to reply to a situation in order to make sense of it (e.g., a time period, an individual's actions).
<b>Memorial:</b>	An object or ceremony serving as a remembrance for a person, group, day, site or event.
<b>Museum:</b>	A historical display in a building, room, etc. for exhibiting artistic, historical or scientific objects.
<b>Present:</b>	A demarcation of time designating studies to the current year.
<b>Opinion:</b>	A belief based not on certainty but on what seems to be true or probable.
<b>Strike:</b>	A work stoppage by employees organized against the management of a business entity.
<b>Time lines:</b>	A measure of a period during which something exists or happens; usually displayed in chronological order on a graph or linear lines.
<b>War:</b>	A conflict in which two or more nations or two or more entities inside a nation are at odds.
<b>Xenophobia:</b>	An intense fear or dislike of groups unknown or not within one's experience including the group's customs and culture.

## Common Core Standards for Literacy in History/Social Sciences, Science, and Technical Subjects\*

## \* Supplement to current Academic Standards for History

## Reading Standards for Literacy in History/Social Studies 6-12

[ RH ]

The standards below begin at grade 6; standards for K-5 reading in history/social studies, science, and technical subjects are integrated into the K-5 Reading standards. The CCR anchor standards and high school standards in literacy work in tandem to define college and career readiness expectations—the former providing broad standards, the latter providing additional specificity.

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
Key Ideas and Details		
1. Cite specific textual evidence to support analysis of primary and secondary sources.	1. Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.	1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.	2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.	2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
3. Identify key steps in a text's description of a process related to history/social studies (e.g., how a bill becomes law, how interest rates are raised or lowered).	3. Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.	3. Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<b><i>Craft and Structure</i></b>		
4. Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.	4. Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.	4. Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines <i>faction</i> in <i>Federalist</i> No. 10).
5. Describe how a text presents information (e.g., sequentially, comparatively, causally).	5. Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.	5. Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.
6. Identify aspects of a text that reveal an author's point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).	6. Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.	6. Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.
<b><i>Integration of Knowledge and Ideas</i></b>		
7. Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.	7. Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.	7. Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.
8. Distinguish among fact, opinion, and reasoned judgment in a text.	8. Assess the extent to which the reasoning and evidence in a text support the author's claims.	8. Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.
9. Analyze the relationship between a primary and secondary source on the same topic.	9. Compare and contrast treatments of the same topic in several primary and secondary sources.	9. Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
<b><i>Range of Reading and Level of Text Complexity</i></b>		
10. By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.	10. By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.	10. By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

## Reading Standards for Literacy in Science and Technical Subjects 6-12

[ RST ]

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<b><i>Key Ideas and Details</i></b>		
1. Cite specific textual evidence to support analysis of science and technical texts.	1. Cite specific textual evidence to support analysis of science and technical texts, attending to the precise details of explanations or descriptions.	1. Cite specific textual evidence to support analysis of science and technical texts, attending to important distinctions the author makes and to any gaps or inconsistencies in the account.
2. Determine the central ideas or conclusions of a text; provide an accurate summary of the text distinct from prior knowledge or opinions.	2. Determine the central ideas or conclusions of a text; trace the text's explanation or depiction of a complex process, phenomenon, or concept; provide an accurate summary of the text.	2. Determine the central ideas or conclusions of a text; summarize complex concepts, processes, or information presented in a text by paraphrasing them in simpler but still accurate terms.

<b>Grades 6-8 students:</b>	<b>Grades 9-10 students:</b>	<b>Grades 11-12 students:</b>
3. Follow precisely a multistep procedure when carrying out experiments, taking measurements, or performing technical tasks.	3. Follow precisely a complex multistep procedure when carrying out experiments, taking measurements, or performing technical tasks, attending to special cases or exceptions defined in the text.	3. Follow precisely a complex multistep procedure when carrying out experiments, taking measurements, or performing technical tasks; analyze the specific results based on explanations in the text.
<b><i>Craft and Structure</i></b>		
4. Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to <i>grades 6-8 texts and topics</i> .	4. Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to <i>grades 9-10 texts and topics</i> .	4. Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to <i>grades 11-12 texts and topics</i> .
5. Analyze the structure an author uses to organize a text, including how the major sections contribute to the whole and to an understanding of the topic.	5. Analyze the structure of the relationships among concepts in a text, including relationships among key terms (e.g., <i>force, friction, reaction force, energy</i> ).	5. Analyze how the text structures information or ideas into categories or hierarchies, demonstrating understanding of the information or ideas.
6. Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text.	6. Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text, defining the question the author seeks to address.	6. Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text, identifying important issues that remain unresolved.
<b><i>Integration of Knowledge and Ideas</i></b>		
7. Integrate quantitative or technical information expressed in words in a text with a version of that information expressed visually (e.g., in a flowchart, diagram, model, graph, or table).	7. Translate quantitative or technical information expressed in words in a text into visual form (e.g., a table or chart) and translate information expressed visually or mathematically (e.g., in an equation) into words.	7. Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., quantitative data, video, multimedia) in order to address a question or solve a problem.
8. Distinguish among facts, reasoned judgment based on research findings, and speculation in a text.	8. Assess the extent to which the reasoning and evidence in a text support the author's claim or a recommendation for solving a scientific or technical problem.	8. Evaluate the hypotheses, data, analysis, and conclusions in a science or technical text, verifying the data when possible and corroborating or challenging conclusions with other sources of information.
9. Compare and contrast the information gained from experiments, simulations, video, or multimedia sources with that gained from reading a text on the same topic.	9. Compare and contrast findings presented in a text to those from other sources (including their own experiments), noting when the findings support or contradict previous explanations or accounts.	9. Synthesize information from a range of sources (e.g., texts, experiments, simulations) into a coherent understanding of a process, phenomenon, or concept, resolving conflicting information when possible.
<b><i>Range of Reading and Level of Text Complexity</i></b>		
10. By the end of grade 8, read and comprehend science/technical texts in the grades 6-8 text complexity band independently and proficiently.	10. By the end of grade 10, read and comprehend science/technical texts in the grades 9-10 text complexity band independently and proficiently.	10. By the end of grade 12, read and comprehend science/technical texts in the grades 11-CCR text complexity band independently and proficiently.

## Writing Standards for Literacy in History/Social Studies, Science, and Technical Subjects 6-12

[ WHST ]

The standards below begin at grade 6; standards for K-5 writing in history/social studies, science, and technical subjects are integrated into the K-5 Writing standards. The CCR anchor standards and high school standards in literacy work in tandem to define college and career readiness expectations—the former providing broad standards, the latter providing additional specificity.

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<b><i>Text Types and Purposes</i></b>		
<p>1. Write arguments focused on <i>discipline-specific content</i>.</p> <p>a. Introduce claim(s) about a topic or issue, acknowledge and distinguish the claim(s) from alternate or opposing claims, and organize the reasons and evidence logically.</p> <p>b. Support claim(s) with logical reasoning and relevant, accurate data and evidence that demonstrate an understanding of the topic or text, using credible sources.</p> <p>c. Use words, phrases, and clauses to create cohesion and clarify the relationships among claim(s), counterclaims, reasons, and evidence.</p> <p>d. Establish and maintain a formal style.</p> <p>e. Provide a concluding statement or section that follows from and supports the argument presented.</p>	<p>1. Write arguments focused on <i>discipline-specific content</i>.</p> <p>a. Introduce precise claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that establishes clear relationships among the claim(s), counterclaims, reasons, and evidence.</p> <p>b. Develop claim(s) and counterclaims fairly, supplying data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form and in a manner that anticipates the audience's knowledge level and concerns.</p> <p>c. Use words, phrases, and clauses to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.</p> <p>d. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.</p> <p>e. Provide a concluding statement or section that follows from or supports the argument presented.</p>	<p>1. Write arguments focused on <i>discipline-specific content</i>.</p> <p>a. Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons, and evidence.</p> <p>b. Develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form that anticipates the audience's knowledge level, concerns, values, and possible biases.</p> <p>c. Use words, phrases, and clauses as well as varied syntax to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.</p> <p>d. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.</p> <p>e. Provide a concluding statement or section that follows from or supports the argument presented.</p>



Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<p>2. Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.</p> <p>a. Introduce a topic clearly, previewing what is to follow; organize ideas, concepts, and information into broader categories as appropriate to achieving purpose; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.</p> <p>b. Develop the topic with relevant, well-chosen facts, definitions, concrete details, quotations, or other information and examples.</p> <p>c. Use appropriate and varied transitions to create cohesion and clarify the relationships among ideas and concepts.</p> <p>d. Use precise language and domain-specific vocabulary to inform about or explain the topic.</p> <p>e. Establish and maintain a formal style and objective tone.</p> <p>f. Provide a concluding statement or section that follows from and supports the information or explanation presented.</p>	<p>2. Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.</p> <p>a. Introduce a topic and organize ideas, concepts, and information to make important connections and distinctions; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.</p> <p>b. Develop the topic with well-chosen, relevant, and sufficient facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.</p> <p>c. Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among ideas and concepts.</p> <p>d. Use precise language and domain-specific vocabulary to manage the complexity of the topic and convey a style appropriate to the discipline and context as well as to the expertise of likely readers.</p> <p>e. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.</p> <p>f. Provide a concluding statement or section that follows from and supports the information or explanation presented (e.g., articulating implications or the significance of the topic).</p>	<p>2. Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.</p> <p>a. Introduce a topic and organize complex ideas, concepts, and information so that each new element builds on that which precedes it to create a unified whole; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.</p> <p>b. Develop the topic thoroughly by selecting the most significant and relevant facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.</p> <p>c. Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.</p> <p>d. Use precise language, domain-specific vocabulary and techniques such as metaphor, simile, and analogy to manage the complexity of the topic; convey a knowledgeable stance in a style that responds to the discipline and context as well as to the expertise of likely readers.</p> <p>e. Provide a concluding statement or section that follows from and supports the information or explanation provided (e.g., articulating implications or the significance of the topic).</p>
3. (See note; not applicable as a separate requirement)	3. (See note; not applicable as a separate requirement)	3. (See note; not applicable as a separate requirement)

**Note:** Students' narrative skills continue to grow in these grades. The Standards require that students be able to incorporate narrative elements effectively into arguments and informative/explanatory texts. In history/social studies, students must be able to incorporate narrative accounts into their analyses of individuals or events of historical import. In science and technical subjects, students must be able to write precise enough descriptions of the step-by-step procedures they use in their investigations or technical work that others can replicate them and (possibly) reach the same results.

## Writing Standards for Literacy in History/Social Studies, Science, and Technical Subjects 6-12

[ WHST ]

Grades 6-8 students:	Grades 9-10 students:	Grades 11-12 students:
<b><i>Production and Distribution of Writing</i></b>		
4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.	4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.	4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
5. With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on how well purpose and audience have been addressed.	5. Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.	5. Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.
6. Use technology, including the Internet, to produce and publish writing and present the relationships between information and ideas clearly and efficiently.	6. Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.	6. Use technology, including the Internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments or information.
<b><i>Research to Build and Present Knowledge</i></b>		
7. Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.	7. Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.	7. Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.
8. Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.	8. Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.	8. Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the specific task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.
9. Draw evidence from informational texts to support analysis, reflection, and research.	9. Draw evidence from informational texts to support analysis, reflection, and research.	9. Draw evidence from informational texts to support analysis, reflection, and research.
<b><i>Range of Writing</i></b>		
10. Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.	10. Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.	10. Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

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